

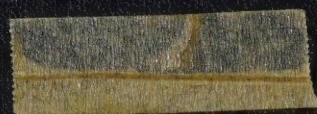
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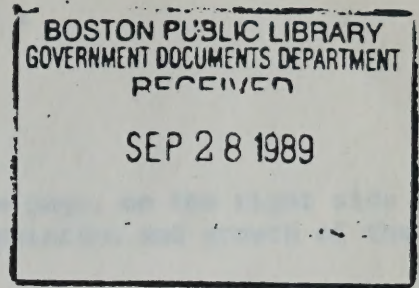


Office of the Clerk

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John P. Campbell
City Clerk

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Dear Friends:

I am pleased to present to you a copy of the revised City of Boston Code, Volume I Ordinances.

This volume represents the first update of the City of Boston Code since 1975 and contains all ordinance revisions through 1985. A supplement containing all revisions affected by ordinances enacted in 1986, 1987 and 1988 is currently being prepared and should be ready on or before July 1, 1989 (see attached list for Chapters and Sections of the new code so affected).

The new Code contains several new features:

- a. A new numbering system which provides chapters on a topical basis. The first number designates the chapter; the next number following the dash is the section; and the third number following the point is the number of the subsection. Thus, 2-5.1 is read subsection 2 dash 5 point 1 and refers to Chapter II, Section 5, first division of that section.
- b. In some instances subsection headings have been inserted for clarity and ease in using the code.
- c. The practice of giving numeration to individual definitions has been eliminated. Instead each series of definitions has been placed in alphabetical order, so that if amendments are required for a particular section, they may be inserted into the proper position without renumbering all the definitions which would be an unnecessary and costly expense when doing supplementation.
- d. Each page has been numbered. Please note that this numeration has been inserted to correspond with the chapter designation. For example Chapter V starts on page 501, and allows for 100 pages to be used in that chapter.

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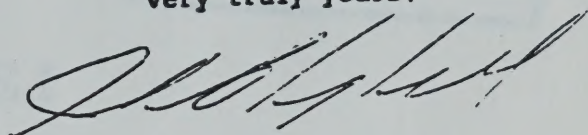
e. Each chapter starts on a new page, on the right side of the code to allow room for supplementation and growth of the prior chapter.

Current plans call for the editing and publication of City of Boston Code, Volume II Statutes and Regulations during the forthcoming fiscal year.

Finally, as you use this revised code I would appreciate any comments you might have especially with regards to the Index.

Very truly yours,

VOLUME II
ORDINANCES



John P. Campbell
City Clerk

encl.

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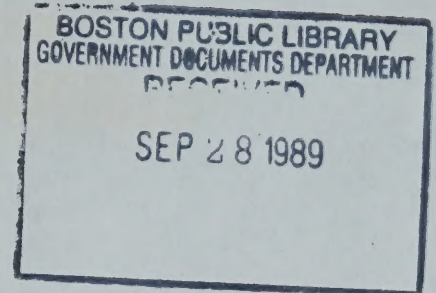


John F. Kennedy
City Clerk

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CITY OF BOSTON CODE

*Volume 2:
Statutes & Regulations
in preparation
9.28.89*



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[revised through 1985]

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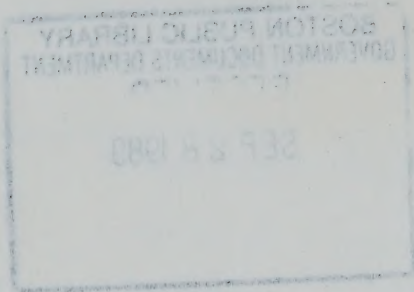
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CITY OF BOSTON CODE



VOLUME I ORDINANCES

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Chapter 3. Public Works
Chapter 4. Health and Safety
Chapter 5. Finance
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City of Boston

City of Boston Code Ordinance Chapter 1. General Provisions

Chapter 1. General Provisions

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CHAPTER I

GENERAL PROVISIONS

1-1 DEFINITIONS AND RULES OF CONSTRUCTION.

a. The following rules of construction shall be observed for this and every other ordinance, unless inconsistent with the manifest intent of the City Council or the context of the ordinance:

1. The repeal of an ordinance shall not revive an ordinance in force before, or at the time when, the ordinance repealed took effect.
2. The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, or any suit, prosecution, or proceeding pending at the time of the repeal, for a violation of such ordinance.
3. Words importing the singular shall include the plural, words importing the plural shall include the singular, and words importing the masculine gender shall include women and boards.
4. The word "street" shall mean and include all public ways, alleys, lanes, courts, and sidewalks, and those parts of public squares and places which form travelled parts of highways.
5. The words "public grounds" shall mean and include the common and public garden, the public lands under the charge of the parks and recreation department, and those parts of public squares and places which do not form travelled parts of highways.
6. The word "owner," applied to a building or land, shall mean and include any part owner, joint owner, tenant in common, or joint tenant, of the whole or of a part of such building or land.
7. The word "tenant" or "occupant," applied to a building or land, shall mean and include any person who occupies the whole or a part of such building or land, either alone or with others.
8. The word "person" shall mean and include firms and corporations.
9. The word "officer" shall mean and include officers and boards in charge of departments and the members of such boards; and the word "subordinate" shall include all assistants, deputies, and employees appointed by an officer.

10. The words "Faneuil-Hall market" shall mean and include the lower floors, porches, and cellar of the building called "Faneuil Hall."

11. The words "Faneuil-Hall market limits" shall mean and include Faneuil-Hall market as above defined, and the territory included within the following boundary, viz.: Beginning in the northerly line of North Market Street extended, at a point thirty-five (35') feet distant westerly from the sidewalk on the easterly side of Commercial Street; thence parallel with and thirty-five (35') feet distant westerly from said sidewalk, to a line thirty-five (35') feet distant northerly from the sidewalk on the southerly side of South Market Street extended; thence by a line parallel with and thirty-five (35') feet distant northerly from said sidewalk to Merchants Row; thence diagonally across Merchants Row to the nearest point in a line twenty (20') feet distant northerly from the sidewalk on the southerly side of Faneuil Hall Square; thence by a line parallel with and twenty (20') feet outside of the sidewalk of said square and North Market Street to Merchants Row; thence diagonally across said Merchants Row to the northeast corner of said Merchants Row and North Market Street; thence by the northerly side of said North Market Street to the point of beginning; but excluding any territory which is the subject of that certain redevelopment agreement made as of May 21, 1974, by and between the Boston Redevelopment Authority and Faneuil Hall Marketplace, Inc.

12. The words "Market limits," without any words of limitation preceding them, shall mean and include the territory bounded as follows: Beginning at the southerly corner of Atlantic Avenue and State Street; thence running west by the southerly line of State Street to India Street; thence north to the center line of State Street; thence west by the center line of State Street to the line of the curbstone on the easterly side of Commercial Street produced to the center line of State Street; thence north by the line of the curbstone on the easterly side of Commercial Street produced to the center of State Street to a point in the curbstone on the easterly side of Commercial Street opposite the corner of said street and State Street; thence west across Commercial Street to the westerly corner of Commercial Street and State Street; thence north by the westerly line of Commercial Street to Chatham Street; thence west by the southerly line of Chatham Street and by said line produced to the westerly line of Merchants Row; thence north by the westerly line, west by the southerly line, and again north by the westerly line of Merchants Row to Faneuil Hall Square; thence west by the southerly line and north by the westerly line of Faneuil Hall Square to Dock Square; thence west by the southerly line of Dock Square to Exchange Street; thence north by the easterly line of Exchange Street produced across Dock Square; thence north by the westerly line of Dock Square and across Elm Street to the corner of Elm and Union Streets; thence north by the westerly line of Union Street to the southerly corner of Friend and Union Streets; thence east across Union Street to the corner of Union and North Streets; thence east by the northerly line and northeast by the northwesterly line of North Street to Blackstone Street; thence northwest by the southwesterly line of Blackstone Street to Haymarket

Square; thence north across Blackstone Street to the corner of Cross and Blackstone Streets; thence southeast by the northeasterly line of Blackstone Street to the corner of Blackstone and North Streets; thence northeast by the northwesterly line of North Street to the northerly corner of North and Richmond Streets; thence crossing North Street, southeast by the northeasterly line and east by the northerly line of Richmond Street to the northerly corner of said street and Atlantic Avenue; thence east by the northerly line of Richmond Street produced across Atlantic Avenue to the easterly side thereof; thence south by the easterly line of Atlantic Avenue to the northerly corner of said avenue and India Wharf; thence west across Atlantic Avenue to the northerly corner of said avenue and India Street; and thence north by the westerly line of Atlantic Avenue to the point of beginning. All said Faneuil-Hall Market limits are shown in red, and said Market limits are shown in blue, on a plan numbered L-2826 and marked: "Faneuil Hall Market Limits and Market Limits in the City of Boston, February 16, 1897, William Jackson, City Engineer," and filed in the office of the commissioner of public works; but excluding any territory which is the subject of that certain redevelopment agreement made as of May 21, 1974, by and between the Boston Redevelopment Authority and Faneuil Hall Marketplace, Inc.

13. Words purporting to give a joint authority to three (3) or more officers or other persons shall be construed as giving such authority to a majority of such officers or persons.

14. Words prohibiting anything from being done, except in accordance with a license or permit or authority from a board or officer, shall be construed as giving such board or officer power to license or permit or authorize such thing to be done.

(Para 5. Ord. 1954 c. 2 § 1; Para 9. Ord. 1953 c. 8 § 1; Para 10. Ord. 1974 c. 15 § 1; Para 11. Ord. May 18, 1866, Ord. 1974 c. 15 § 2; Para 12. St. 1896 c. 376, St. 1907 c. 584, Ord. 1954 c. 2 § 1; Ord. 1974 c. 15 § 3; Rev. Ord. 1961 c. 1 § 1; Ord. 1974 c. 15; CBC 1975 Ord. T1 § 1)

1-2 CITY SEAL AND CITY FLAG.

1-2.1 City Seal.

The seal of the City shall be circular in form, shall bear a view of the City, the motto SICUT PATRIBUS, SIT DEUS NOBIS, and the inscription, BOSTONIA CONDITA AD. 1630 CIVITATIS REGIMINE DONATA AD. 1822, as herewith shown.



(Ord. January 2, 1823; Rev. Ord. 1961 c. 1 § 5; CBC 1975 Ord. T1 § 2)

1-2.2 Municipal Standard and City Flag.

The municipal standard of the City of Boston, which is hereby established, shall be made of silk of the colors designated, namely: Continental blue and buff, and shall be five (5') feet in length and three and one-half (3½') feet in width, or in proportion thereto. Provided, that a City flag of like design and colors may be made of bunting for outdoor display, the size of such bunting flag to depend upon the place of display. The body of the standard shall be blue, as specified, with the official City seal embroidered in the center; and two (2) rings of white shall encircle the seal. The reverse of the municipal standard shall bear a representation of the Trimountain. The City flag shall have no reverse except the seal showing through the bunting, the seal to be painted on or woven in the fabric. The municipal standard shall have a fringe of Continental buff; the City flag shall be without fringe.

(Ord. 1961 c. 8; Rev. Ord. 1961 c. 1 § 6; CBC 1975 Ord. T1 § 3)

1-2.3 City Colors.

The colors herein specified shall be the official colors for the City of Boston, namely: Continental blue and Continental buff.

(Rev. Ord. 1961 c. 1 § 7; CBC 1975 Ord. T1 § 4)

1-2.4 Displaying Flag on City Hall and Boston Common.

The City flag shall be displayed on City Hall and may be displayed on Boston Common on occasions when the national flag is ordered displayed.

(Rev. Ord. 1961 c. 1 § 8; CBC 1975 Ord. T1 § 5)

1-2.5 Further Uses of Flag.

The municipal standard of silk may be carried or displayed in parades, at reviews, and on other official occasions when the Mayor is present and when directed by him. Boston organizations may have copies of the municipal standard on approval by the Mayor.

(Rev. Ord. 1961 c. 1 § 9; CBS 1975 Ord. T1, § 6)

1-2.6 Prohibitions on Use of Flag.

Neither the municipal standard nor the City flag nor any reproduction shall be used for any commercial purpose, and no advertising device shall be placed upon it or used in connection with it; and the municipal flag or standard shall not be used for any purpose not authorized by the foregoing sections, except with the permission of the Mayor.

(Rev. Ord. 1961 c. 1 § 10; CBC 1975 Ord. T1 § 7)

1-2.7 Penalties.

Any person violating any provision of subsection 1-2.6 shall be punished by a fine not exceeding twenty (\$20.00) dollars for each offense, and not only the person actually doing the prohibited thing, but also his employer and every other person concerned in so doing shall be punished by such fine.

(Rev. Ord. 1961 c. 1 § 11; CBC 1975 Ord. T1 § 8)

1-2.8 Custodian.

The City messenger shall be custodian of the municipal standard and of the City flag.

(Rev. Ord. 1961 c. 1 § 12; CBC 1975 Ord. T1 § 9)

1-3 DISPLAY OF UNITED STATES FLAG.

The United States flag shall be displayed, unless the weather is unsuitable, upon the City Hall on every day except Sunday, and upon the other public buildings and public places where flag poles are available on Franklin's Birthday, January 17; Lincoln's Birthday, February 12; Washington's Birthday, February 22; Evacuation Day, March 17; Patriots' Day, April 19; Grant's Birthday, April 27; Memorial Day, May 30; Flag Day, June 14; Bunker Hill Day, June 17; Independence Day, July 4; Labor Day, first Monday in September; anniversary of the settlement of Boston, September 17; Columbus Day, October 12; Veterans Day, November 11; and on such other days as the Mayor or the City Council may from time to time order. Whenever any of the above-named days fall on Sunday the flags shall be displayed on the following day. It shall be the duty of the assistant commissioner of real property to display the flag in accordance with this section upon the City Hall and other public buildings under his care, custody and management.

(Ord. 1944 c. 2; Ord. 1953 c. 4 § 3; Ord. 1954 c. 2 § 79; Rev. Ord. 1961 c. 1 § 13; CBC 1975 Ord. T1 § 10)

1-4 CITY AUTOMOBILES.

All automobiles owned by the City shall be registered in its name, and shall be painted a uniform distinctive color, bearing on each side the words "City of Boston" and also a designation in words showing by which department such automobiles are used; provided, however, that the automobiles of the fire department may be painted red.

No department, agency, board, or division of the City of Boston shall purchase, lease, rent or otherwise acquire any passenger automobile certified by the Environmental Protection Agency of the United States as having a city mileage rate

of less than twenty-four (24) miles per gallon of gasoline. The provisions of this ordinance shall not apply to vehicles used for security, emergency and for rescue purposes.

(Ord. 1909 c. 9; Rev. Ord. 1961 c. 1 § 14; CBC 1975 Ord. T1 § 11; Ord. 1980 c. 14)

1-5 CONTROL OF ROOMS IN CITY HALL.

In the City Hall the rooms used by the Mayor shall be under his control; the rooms used by the City Clerk shall be under his control; and the rooms used by the City Council shall, except as ordered by the City Council, be under the control of the president of the City Council. All rooms in the City Hall, the City Hall Annex and other public buildings, not assigned by this ordinance, may be assigned by the assistant commissioner of real property with the approval of the Mayor.

(Ord. 1954 c. 2 § 1; Rev. Ord. 1961 c. 1 § 15; CBC 1975 Ord. T1 § 12)

Cross Reference: (Ord. ss 11-7.4)

1-6 PROHIBITING ADVERTISING OF NAME OF ELECTED OFFICIAL ON CITY PUBLICATIONS.

Unless expressly authorized by the Mayor and City Council the name, title, photograph or other image of any City official shall not appear on any publication, pamphlet, television or radio advertising, or advertising display of any description paid for in whole or in part from funds appropriated by the City Council or from funds requiring approval of the Council prior to expenditure.

(Ord. 1979 c. 11)

1-7 PROHIBITING USE OF WORK MAYOR IN TITLES OF PERSONS NOT SO DESIGNATED BY STATUTE.

1-7.1 Use of Title "Mayor."

No person in the City service or employ, other than the lawfully elected Mayor and the Acting Mayor chosen in accordance with the provisions of City of Boston Code, Statute 2, Section 4, shall use or be entitled to use the word Mayor in the title of any position held by such person in such service or employ. Any position presently existing or purporting to exist which conflicts with the provisions of this section shall be, and hereby is, abolished. The Collector-Treasurer shall be, and hereby is, prohibited from making any payments of City funds for the salary of any person holding or purporting to hold any position in conflict with this section.

(Ord. 1979 c. 41 § 11)

CHAPTER II

FORM OF GOVERNMENT

2-1 IN GENERAL.

2-1.1 Concerning Ceremonies in Connection with Oaths of Office of Elected Officials.

No City funds shall be expended in connection with any ceremony attending the taking of an oath of office as provided for by CBC, St. 2 § 2 unless such funds are expressly appropriated by the City Council for such purpose, nor unless the time and place for holding such ceremony is fixed by the Mayor with approval of the City Council. In the event that City funds are expended for such purpose without such express appropriation the City Council may, under the provision of CBC, St. 4 § 4, on behalf of the City, proceed against any City official making or authorizing such expenditure.

(Ord. 1980 c. 2; Ord. 1981 c. 2)

2-2 INCORPORATION OF CITY.

No Ordinances Apply. See Special Statutes.
(CBC 1975 Ord. T2 c. 3)

2-3 ELECTION DEPARTMENT.

2-3.1 Powers and Duties.

The Election Department shall be under the charge of a Board of four (4) Commissioners, who shall exercise the powers and perform the duties provided by statute; and shall, in the annual report, include a statement of the number of male and female persons registered as voters in each voting precinct of the City, and the number of such persons voting at each election held during the preceding year for each person for whom votes were deposited for governor and for mayor.

(St. 1895 c. 449 §§ 2—8; St. 1913 c. 835 § 78; Rev. Ord. 1961 c. 13 § 1; CBC 1975 Ord. T2 § 200)

2-3.2 Verification of Information Pertaining to Certain Voters.

Immediately following the registration of a voter under the Provisions of Section 42 of Chapter 51 of the General Laws, the Election Commission of the City of Boston shall proceed to determine whether there appears at that time to be probable cause to believe that the affiant has made a false statement in such an affidavit. Without limiting the generality of the foregoing, the Commission, or any agent of it, shall do the following:

a. Examine the then most-recent Annual Listing of Residents, to determine whether or not the affiant is listed at the address given, and in the event the affiant is not listed,

b. Request the affiant to produce reasonable proof of residence, satisfactory to the Election Commission or its agent, and in the event the affiant fails to produce reasonable identification, the said Commission or its agent, shall,

c. Forthwith dispatch to the affiant by first class mail, postage prepaid, in an envelope endorsed "Address Correction Requested - Do Not Forward" a notice, informing the affiant that unless the Commission shall receive, within ten (10) days of the date of mailing, a signed, written confirmation of receipt of said notice, by means of a card or letter which can be mailed by the affiant without the paying of postage therefor, the Commission will proceed under the provisions of Section 47B of Chapter 51 of the General Laws to determine his or her qualifications to vote.

(Ord. 1975 c. 14; CBC 1975 Ord. T2 § 201)

2-3.3 Notice Required of Change of Polling Place.

No change of polling places shall be made in the City of Boston until reasonable notice of the proposed change has been given by the Board of Election Commissioners to the at-large City Councillors and the district City Councillor from the District.

(Ord. 1985 c. 2)

2-4 LISTING BOARD.

2-4.1 Duties of Board.

The Listing Board constituted under Chapter 29 of the General Acts of 1917, as amended by Chapter 287 of the Acts of 1938, shall, each year in the course of making a list of all dogs owned by the inhabitants of Boston pursuant to Section 150 of Chapter 140 of the General Laws, ascertain whether each such dog is licensed or unlicensed, and shall return such information to the Police Commissioner and to the Dog Officer or to the domestic charitable corporation from time to time performing by contract the duties of Dog Officer in accordance

with Section 151 of said Chapter 140. The Listing Board or its agents shall, at the time of so ascertaining, by means of a suitable written notice inform each owner or harbinger of an unlicensed dog of the penalties for harboring such dog and of the procedure for procuring a dog license. The Listing Board or its agents shall give to each owner or harbinger of an unlicensed dog the form of application for a dog license that may from time to time be prescribed by the Police Commissioner, with as many duplicate copies of the same as may be required by the Police Commissioner, and shall inform each such owner or harbinger of the procedure, if any, that may be from time to time established by the Police Commissioner for submitting such application and securing such license by mail.

(Ord. 1972 c. 14 § 1; CBC 1975 Ord. T2 § 202)

Cross References: G.L. c. 140 §§ 150—51; Gen. Acts. 1917 c. 29; St. 1938 c. 287; Ord. ss 2-3.1)

2-4.2 Police Assigned to Listing Board.

During the conduct of the Annual Listing of Residents, except as otherwise provided by Chapter 29 of the Acts of 1917, the Police Commissioner of the City of Boston shall detail to the Listing Board, two (2) police patrolmen in each Police Division of the City who shall during the time of their detail be subject to the lawful orders of said Board.

(Ord. 1975 c. 9; CBC 1975 Ord. T2 § 203)

2-5 CAMPAIGN SPENDING.¹

2-5.1 Limitations on Campaign Spending in City Preliminary Elections and City Elections.

a. *Limitation on Monies Expended for Political Campaign.* No person being a candidate for the office of Mayor, City Councillor at Large, or School Committeeman, at any regular or special election or preliminary election, and no person acting with his leave or authority, or without such leave or authority, including but not limited to, the Treasurer or Chairman of a non-elected political committee, shall expend, cause to be expended, allow to be expended, or suffer to be expended, in the municipal year of such election, any monies in furtherance of the campaign of such a candidate, for whatever purpose, by any person, in excess of the amounts hereinafter set out, which shall be the aggregate of expenditures by all persons, under whatever color or guise, in furtherance of that campaign;

The Office of Mayor: two hundred thousand (\$200,000.00) dollars;

The Office of City Councillor at Large: twenty thousand (\$20,000.00) dollars;

The Office of School Committeeman: twenty thousand (\$20,000.00) dollars.

¹**Editor's Note:** This ordinance should be read against **Buckley v. Valeo**, 44 U.S.L.W. 4127 (U.S. Jan. 30, 1976) which held Federal campaign limitations unconstitutional.

b. *Monies Spent in Excess; Fine Established.* Every dollar expended in excess of the above limitations shall be deemed to be a separate offense, and each offense shall be punished by a fine of two (\$2.00) dollars.

For the purposes of this ordinance, the incurring of a liability for goods and services in furtherance of such a campaign shall be deemed to be an expenditure of monies equal to the amount of such liability, and it shall be deemed to have been expended on the date the liability was incurred.

c. *Effective Date.* The provisions of subsection 2-12.3 to the contrary notwithstanding, this ordinance shall be published by the action of the City Council in adopting the same, and shall take effect on the first Monday in January of the year 1976.

d. *Severability.* The provisions hereof are severable and the decision of any court of competent jurisdiction invalidating or impairing the validity of any part or portion hereof shall not be deemed to affect the validity of any remaining part or portion of this ordinance.

(Ord. 1975 c. 11; CBC 1975 Ord. T2 § 204)

2-6 RELATING TO POLICE OFFICERS IN ATTENDANCE AT POLLING PLACES.

The Police Officer in attendance at the several polling places at primaries, elections, preliminary elections and City elections, in addition to performing the duties otherwise set forth by law, shall:

a. Inspect each voting machine prior to the opening of the polls to ensure that no votes have been cast upon it since being set;

b. Verify by inspection that “protective counter” setting against the number provided by the voting machine custodian;

c. Place a mark next to the name of each voter who casts a ballot at such location, on the voting list provided by law;

d. Report any machine malfunction, irregularity, or disturbance in or round the polling location, both to his station house and to the Election Commission.

(Ord. 1978 c. 8)

2-7 MAYOR.¹

2-7.1 Appointments by Mayor.

The Mayor shall appoint heads of departments and members of municipal boards and fill vacancies therein in the manner provided by law. He shall, in the

¹CROSS REFERENCE: See also Chapter XV: Divisions of the Mayor's Office.

municipal year in which the term of the incumbent expires, appoint the following officers, to serve for the terms hereinafter specified:

For the term of three (3) years, beginning with the first day of May in the year of appointment: four (4) Overseers of the Public Welfare.

For the term of four (4) years, beginning with the first day of May in the year of appointment: the Fire Commissioner, the Corporation Counsel, and the Penal Institutions Commissioner.

For the term of five (5) years, beginning with the first day of May in the year of appointment: one trustee of the Boston Public Library.

(Ord. 1954 c. 2 § 2; Ord. 1954 c. 3 § 1; Ord. 1968 c. 14 § 1; Rev. Ord. 1961 (Sup. 1971) c. 2 § 1; CBC 1975 Ord. T2 § 350)

Cross Reference: Ord. ss 7-2.1.

2-7.2 Appointment of Weighers, Measurers, Surveyors, Inspectors of Certain Articles.

The Mayor shall annually appoint, subject to confirmation by the City Council, officers to act as weighers, measurers, surveyors, or inspectors of certain articles, each for a term of one year beginning with the first day of May in the year of appointment, who shall exercise the powers and perform the duties provided by the statutes and ordinances relating to the weighing, measuring, surveying or inspecting of such articles, shall be sworn to a faithful performance of their duties, shall be paid the fees established by law, and shall receive no compensation from the city, viz.:

One or more employees of any person, firm or corporation to be weighers of goods, who shall have no other authority than to weigh, for the benefit of their employers, all goods or materials (except beef and coal) sold or purchased by such employers in the ordinary course of business.

One or more weighers of coal, one of whom shall not be engaged in the business of selling coal;

One or more weighers of beef, who shall not be dealers in cattle;

One or more weighers of vessels and ballast, who shall not at the time of appointment or during their term of office own, or act as agent of, or have any interest in, a vessel engaged in the transportation of stone, gravel, sand or ballast, or be engaged or interested in the sale of stone, gravel, sand or ballast;

One or more measurers of wood and bark;

One or more weighers of grain;

One or more measurers of leather who have been certified by the Director of Standards as fit persons for such appointment;

The Mayor shall annually appoint, subject to the confirmation of the City Council, constables for the term of one year beginning with the first day of May in the year of appointment. Notwithstanding anything to the contrary contained in subsections 5-5.2 and 5-5.3, all such constables shall be residents of the City of Boston upon appointment and shall remain residents of the City of Boston during their tenure in office, except for housing inspectors in the Housing Inspection Department, who need not so reside, but who shall cease to act as constables and shall be removed from such office immediately upon the termination of employment as Housing Inspectors, unless they reside at that time in the City of Boston as required of other constables. Appointments of constables shall specify in each case whether the appointment is for a position connected with the City or County service to serve without bond, or for the service of civil process upon the filing of the bond required by law.

The bond required in order to authorize the service of civil process by constables shall be in the sum of five thousand (\$5,000.00) dollars with an incorporated surety company, approved by the Collector-Treasurer as surety thereon, and only such surety shall hereafter be accepted by the City Council on said bonds.

Satisfactory completion of such training course or other requirements as are from time to time found necessary and prescribed by the Mayor for the effective performance of the duties of constable shall be a prerequisite for appointment to the position of constable.

(St. June 18, 1802; St. 1848 c. 308; Ord. 1931 c. 7, 8, 10; Ord. 1954 c. 2, § 3; Ord. 1965 c. 5; Ord. 1966 c. 4; Ord. 1970 c. 6; Rev. Ord. 1961 (sup. 1971) c. 2 § 2; CBC 1975 Ord. T2 § 351; Ord. 1977 c. 4; Ord. 1979 c. 38; Ord. 1982 c. 9)

Cross References: G.L. c. 94; G.L. c. 95; G.L. c. 102; Ord. ss 2-8.2; Ord. ss 6-3.6.

2-7.3 Transmission of Department Reports to City Council.

The Mayor shall, upon receiving any report of a Department required by the City Council to be made to him, transmit the same to the City Council with such suggestions as he shall deem proper.

(Rev. Ord. 1961 c. 2 § 3; CBC 1975 Ord. T2 § 352)

Cross Reference: Ord. ss 6-1.6.

2-7.4 Execution of Instruments by Mayor.

The Mayor shall countersign all notes, bonds, or scrip of the City, and may execute in its behalf all instruments to be executed by the City; but this provision shall not be construed to prevent any officer from executing any instrument in the performance of his duties.

(Ord. November 18, 1833; Rev. Ord. 1961 c. 2 § 4; CBC 1975 Ord. T2 § 353)

2-7.5 Discharge of Mortgages; Releases by Mayor.

The Mayor may, upon payment to the Collector-Treasurer of the amount due on the mortgage of an estate mortgaged to the City, discharge or release the mortgage, or assign the same without recourse to the City, and may execute and deliver in behalf of the City and all legal instruments necessary to effectuate such discharge, release or assignment.

(Ord. 1954 c. 2 § 4; Rev. Ord. 1961 c. 2 § 5; CBC 1975 Ord. T2 § 354)

Cross Reference: Ord. ss 6-3.6.

2-7.6 Release of Conditions.

The Mayor may execute and deliver to any person holding land the title to which is derived under a deed given by the City and creating an estate upon condition, a deed of release, acknowledging that up to the time when such deed of release is given such condition has been fully complied with, and releasing such land from the possibility of forfeiture to the City for any breach of condition happening prior to the date of the release.

(Ord. July 31, 1878; Rev. Ord. 1961 c. 2 § 6; CBC 1975 Ord. T2 § 355)

2-7.7 Cancellation of Bonds.

The Mayor may, upon the execution of a new bond satisfactory to him, cancel, or release the sureties on, any bond given to the City for the performance of a contract or the duties of an office.

(Ord. 1895 c. 4; Rev. Ord. 1961 c. 2 § 7, CBC 1975 Ord. T2 § 356)

2-7.8 Mayor as Officer to Grant Certain Licenses.

The Mayor shall be the officer to grant licenses under Chapter 538 of the Acts of 1909, entitled "An Act Relative to the Receiving of Alms in Public Places in the City of Boston," and licenses under Section 33 of Chapter 101 of the General Laws as amended by Chapter 225 of the Acts of 1970, entitled "An Act Relative to the Granting of Certain Licenses to Sell Certain Articles for Charitable Purposes."

(St. 1909 c. 538; Rev. Ord. 1961 c. 2; St. 1970 c. 225 and Ord. 1972 c. 12, CBC 1975 Ord. T2 § 357)

Cross References: G.L. c. 100 § 33.

2-7.9 Drafts, Checks, and Orders.

All drafts drawn by the City Auditor upon the Collector-Treasurer and the form of all drafts, checks, and orders used by the City Auditor, shall be subject to the approval of the Mayor.

(Ord. December 22, 1825; Ord. 1954 c. 2 § 5; Rev. Ord. 1961 c. 2 § 8; CBC 1975 Ord. T2 § 358)

Cross Reference: Ord. ss 6-1.2.

2-7.10 Power to Close Public Buildings.

The Mayor may order any or all public buildings or offices to be closed for any period not exceeding one day at a time whenever he deems it expedient, and may order flags to be displayed upon public buildings at any time.

(Ord. December 20, 1881; Rev. Ord. 1961 c. 2 § 9; CBC 1975 Ord. T2 § 359)

2-7.11 Salary.

The Mayor shall be paid an annual salary of sixty-five thousand (\$65,000.00) dollars.

(Ord. 1967 c. 3; Rev. Ord 1961 (sup. 1971) c. 2 § 9A; CBC 1975 Ord. T2 § 360; Ord. 1980 c. 12)

2-7.12 Office Expenses of Mayor.*

Unless otherwise provided by law, no position shall be created, nor shall any compensation level be established, nor shall any change be made in any compensation level in any agency which is funded in whole or in part by a City Council appropriation order or by funds the expenditure of which required approval of the City Council except by ordinance; nor shall the Mayor, unless authorized to do so by ordinance, appoint or incur expense to the City for more than thirty (30) noncivil service persons connected with his office as administrative assistants, secretaries, stenographers, clerks, telephone operators, or messengers, no more than twelve (12) of whom shall be administrative assistants; nor shall the compensation of any of such administrative assistants, secretaries, stenographers, clerks, telephone operators, or messengers be established or changed except by ordinance. Any position in or connected with the Mayor's office other than that of administrative assistant, secretary, stenographer, clerk, telephone operator, or messenger, existing outside of civil service law, which was filled at the pleasure of the Mayor, as provided for by CBC, St. T. 2 § 7, or any other applicable provision of law, is hereby abolished on and after July 1, 1979; and any such position of administrative assistant, secretary, stenographer, clerk, telephone operator, or messenger in excess of thirty (30), in or connected with the Mayor's office is hereby abolished on and after July 1, 1979.

(Ord. 1889 c. 1; Rev. Ord. 1961 c. 2 § 10; CBC 1975 Ord. T2 § 361; Ord. 1979 c. 12)

Cross Reference: Ord. ss 2-7.14.

2-7.13 Defining "Presentation to the Mayor".

The passage or adoption by the City Council of any order, ordinance, or resolution (except special municipal election orders adopted under Section 13 of Chapter 2 of the Ordinances of 1974, votes relating to the internal affairs of said council, resolutions not affecting legal rights, votes electing officials, and votes

*Editor's Note: This subsection should be read against *City Council of Boston et al vs. Mayor of Boston et al* 383 Mass. 716 which held the Office of the Mayor of Boston not a "department or agency" subject to reorganization by the City Council as an exercise of their authority.

confirming appointments by the Mayor) shall constitute its presentation to the Mayor for his approval in accordance with the provisions of Section 17D of Chapter 452 of the Acts of 1948, as amended.

(Ord. 1974 c. 2; CBC 1975 Ord. T2 § 362)

2-7.14 Limiting the Number of Certain Employees in Connection with the Mayor's Office.

The number of secretaries, stenographers, clerks, telephone operators, and messengers connected with the Mayor's office who shall be exempt from the Civil Service laws, in accordance with the provisions of C.B.C. St. T. 2 § 7, shall not exceed thirty (30).

(Ord. 1979 c. 7)

Cross Reference: Ord. ss 2-7.12.

2-8 CITY COUNCIL.

2-8.1 Salary of City Councillors.

All City Councillors shall be paid an annual salary equal to fifty (50%) percent of the salary of the Mayor.

(Ord. 1964 c. 9; Ord. 1968 c. 13; Rev. Ord. 1961 (Sup. 1971) c. 2A § 1; Ord. 1974 c. 12 § 1, 2; CBC 1975 Ord. T2 § 450; Ord. 1980 c. 13)

2-8.2 Approval for Certain Sums.

Sums appropriated for the purposes of the City Council shall be expended subject to the approval of the President of the City Council.

(Ord. 1968 c. 11 § 1; Rev. Ord. 1961 (Sup. 1971) c. 2A § 2; CBC 1975 Ord. T2 § 451)

2-8.3 City Council Personnel; Salaries.

For the conduct of the affairs of the City Council there shall be, in addition to the City Clerk, a Staff Director, a Chief of Research, a Supervisor of Finance, a Legislative Director, a City Messenger, an Assistant Supervisor of Finance, a Legislative Assistant, a Committee Liaison, an Office Manager, a Service Coordinator, a Research Assistant, a Legislative Secretary, an Administrative Secretary, a Receptionist, a Courier and a Chaplain.

Such Staff Director and subordinate officers shall perform such duties as the Council may provide by order from time to time, and they shall receive the annual salaries hereinafter provided. Such salaries shall, except as otherwise provided by ordinance, be in full for all services rendered to the City and County, shall be apportionable in the event of service for only part of the year, and shall be subject to deduction for any and all sums due to the City or County from such office holder. Such officers and employees shall be paid the following annual salaries:

| | |
|---------------------------------|----------|
| Staff Director | \$37,500 |
| Chief of Research | \$33,600 |
| Supervisor of Finance | \$33,600 |
| Legislative Director | \$33,600 |
| City Messenger | \$32,550 |
| Assistant Supervisor of Finance | \$29,400 |
| Legislative Assistant | \$29,400 |
| Committee Liaison | \$29,400 |
| Office Manager | \$27,300 |
| Service Coordinator | \$23,100 |
| Research Assistant | \$23,100 |
| Legislative Secretary | \$21,000 |
| Administrative Secretary | \$21,000 |
| Receptionist | \$21,000 |
| Courier | \$15,750 |
| Chaplain | \$ 4,200 |

(Ord. 1968 c. 11 § 1; Ord. 1968 c. 12 § 1; Ord. 1969 c. 13; Rev. Ord. 1961 (Sup. 1971) c. 2A 3; Ord. 1973 c. 3 § 1; Ord. 1974 c. 3; Ord. 1974 c. 8; Ord. 1975 cs. 4, 13; CBC 1975 Ord. T2 § 452; Ord. 1976 c. 1; Ord. 1979 cs. 1, 24; Ord. 1980 c. 11; Ord. 1983 cs. 3, 7, 19, 28, 29, 31, 32; Ord. 1984 cs. 20, 21; Ord. 1985 c. 8)

2-8.4 Provision for Administrative Assistants and Secretarial Positions for Office of President and City Councillors.

For the conduct of the affairs of the City Council, in addition to the officers provided for in this subsection 2-8.3, there shall be administrative assistants to be appointed from time to time by the City Council and secretaries to be appointed from time to time by the City Council. Each Councillor's office shall receive sixty-five thousand (\$65,000.00) dollars per year and the President's office shall receive ninety-five thousand (\$95,000.00) dollars per year to pay such salaries according to the rules of the City Council.

(Ord. 1984 c. 21 § 1)

2-9 DISTRICT CITY COUNCILLORS AND SCHOOL COMMITTEE MEMBERS.

2-9.1 Signature Requirements for Candidates for District Elective Positions in Municipal Elections.

Nomination petitions as provided for in St. 1948, c. 452, s. 55A, as inserted by St. 1951, c. 376, s. 2, shall be signed in the case of candidates for City Councillor elected from a District, and School Committee member elected from a District, by at least two hundred (200) registered voters of the City, qualified by their residence, and otherwise, to vote for such candidate; provided however, if in any

district, two hundred (200) exceeds two (2%) percent of the vote cast for Mayor in the preceding mayoral election, then the petition shall be required to contain signatures in a number equal to two (2%) percent of said vote cast.
(Ord. 1983 c. 5)

2-9.2 Establishing Districts for Choosing Certain City Councillors and School Committee Members.

Notwithstanding any ordinance, general or special law to the contrary, for the purposes of choosing those City Councillors and members of the School Committee who are to be elected from equally populous districts, the City is hereby divided, conformably with the constitution, into the following nine (9) districts:

District One — Consisting of precincts numbered one through fourteen of Ward One, precincts numbered one through seven of Ward Two, and precincts numbered one through five of Ward Three.

District Two — Consisting of precincts numbered seven and eight of Ward Three, precincts numbered one through four of Ward Four, the precinct numbered one of Ward Five, precincts numbered one through nine of Ward Six, precincts numbered one through nine of Ward Seven, precincts numbered one and two of Ward Eight, and precincts numbered one and two of Ward Nine.

District Three — Consisting of precincts numbered three, and six through ten of Ward Thirteen, precincts numbered one through nine of Ward Fifteen, precincts numbered one through twelve of Ward Sixteen, and precincts numbered four, nine, and eleven through fourteen of Ward Seventeen.

District Four — Consisting of precincts numbered one through fourteen of Ward Fourteen, precincts numbered one through three, five through eight, and ten of Ward Seventeen, and precincts numbered one through five, and twenty-one of Ward Eighteen.

District Five — Consisting of precincts numbered six through twenty, twenty-two and twenty-three of Ward Eighteen, precincts numbered seven, ten through thirteen of Ward Nineteen, and precincts numbered one, two, four, eight and nine of Ward Twenty.

District Six — Consisting of precincts numbered six through nine of Ward Ten, precincts numbered six through ten of Ward Eleven, precincts numbered one through six, and eight and nine of Ward Nineteen, and precincts numbered three, five, six, seven, and ten through twenty of Ward Twenty.

District Seven — Consisting of precincts numbered eight and nine of Ward Four, precinct ten of Ward Seven, precincts numbered three through seven of Ward Eight, precincts numbered three through five of Ward Nine, precincts numbered one through five of Ward Eleven, precincts numbered one through nine of Ward Twelve, precincts numbered one, two, four, and five of Ward Thirteen.

District Eight — Consisting of the precinct numbered six of Ward Three, precincts numbered five through seven and ten of Ward Four, precincts numbered two through ten of Ward Five, precincts numbered one through five of Ward Ten, and precincts numbered one and two of Ward Twenty-One.

District Nine — Consisting of precincts numbered three through sixteen of Ward Twenty-One, and precincts numbered one through thirteen of Ward Twenty-Two.
(Ord. 1983 c. 25 § 1)

2-10 CITY CLERK.

2-10.1 General Duties of City Clerk.

The City Clerk's Department shall be under the charge of the City Clerk, who shall exercise the powers and perform the duties provided by statute; shall have the care and custody of all records, documents, maps, plans, and papers of the City, concerning the care and custody of which no other provision is made; shall attend all meetings of the City Council, and keep records of such meetings; shall cause every ordinance except ordinances consolidating and arranging the ordinances to be printed as a City document as soon as may be after its passage and, except as otherwise provided, to be published once a week for three (3) weeks successively in two (2) daily newspapers published in this City; shall keep a copy of the last revision of the ordinances with all amendments codified and arranged therein; shall keep a book containing a record of notices of accidents caused by defects in the streets; and shall, at the close of each municipal year, prepare and print as City documents (a) A pamphlet containing, except as otherwise provided, all ordinances passed during each year, and (b) A cumulative supplement to this ordinance codifying all ordinances, whensoever passed, amending this ordinance.
(St. 1821 c. 110 § 10; St. 1909 c. 486 § 22; Ord. 1961 c. 7 § 1; Rev. Ord. 1961 (Sup. 1971) c. 10 § 1; Ord. 1975 c. 7 § 3; CBC 1975 Ord. T2 § 550)
Cross References: G.L. c. 41; St. T. 2 § 750; Ord. ss 17-14.1.

2-10.2 Records of Appointments.

The City Clerk shall keep a book containing the dates of appointment of all officers appointed by the Mayor or elected by the City Council and a statement, which shall be signed by every such officer, that he accepts his office subject to the statutes and ordinances.
(Rev. Ord. 1961 c. 10 § 2; CBC 1975 Ord. T2 § 551)

2-10.3 Minors' Licenses.

The City Clerk shall, when so directed by the City Council, issue licenses and badges to minors, and shall in such case see that every such licensee conforms to the conditions of his license.

(Rev. Ord. 1961 c. 10 § 3; CBC 1975 Ord. T2 § 552)

Cross Reference: Ord. ss 17-5.2; ss 17-5.3.

2-10.4 Assistant City Clerk.

The City Council shall elect, subject to the approval of the Mayor, an Assistant City Clerk, who shall be sworn to the faithful discharge of his duties, shall hold office until his successor is appointed and qualified, shall assist the City Clerk in the performance of his duties of his office, and shall discharge the duties of the City Clerk when that officer is absent, or when there is a vacancy in that office. The certificate or attestation of the Assistant City Clerk shall have the same effect as that of the City Clerk.

(Rev. Ord. 1961 c. 10 § 4; CBC 1975 Ord. T2 § 553; Ord. 1977 c. 5)

Cross Reference: G.L. c. 41 § 18.

2-10.5 Registry Division.

There shall be in the office of the City Clerk a division, known as the Registry Division, as provided in the Charter as that term is defined in clause Fifth of Section 7 of Chapter 4 of the General Laws.

(Ord. 1968 c. 14 § 4; Rev. Ord. 1961 (Sup. 1971) c. 10 § 6; CBC 1975 Ord. T2, § 554)

Cross Reference: G.L. c. 4 § 7.

2-10.6 Notifying City Council of Mayor's Action.

At the City Council meeting next succeeding the sixteenth day after the passage of every order, ordinance, resolution and vote of the City Council presented to the Mayor in accordance with CBC, St. T. 2 § 15, the City Clerk shall notify the Council of the Mayor's approval, disapproval, or failure to either approve or disapprove and such notification shall be made a part of the record of such meeting.

(Ord. 1979 c. 6)

2-11 CITY RECORD.

No Ordinances Apply. See Special Statutes.

(CBC 1975 Ord. T2 c. 13)

2-12 ORDINANCES.

2-12.1 Construction of Ordinance: Repeal.

This ordinance shall be known as the "City of Boston Code, Ordinances," and it shall take effect upon its passage. So far as its provisions are the same in effect as those of previously existing ordinances and regulations, it shall be construed as a continuation of such ordinances and regulations; it shall not affect any act done, any right accrued, any penalty incurred, any suit, prosecution, or proceeding pending, or the tenure of office of any person holding office, at the time when it takes effect; subject to said limitations, all ordinances of the City heretofore in are hereby repealed, except the ordinances relating to or amending the Boston Building Code established by Chapter 479 of the Acts of 1938, the ordinances establishing or amending the Boston Fire Prevention Code, and the ordinance establishing a Department of Civil Defense.

(Rev. Ord. 1961 c. 1 § 1; Ord. 1975 c. 7; CBC 1975 Ord. T2 § 750)

2-12.2 Enacting Style.

All by-laws of the City of Boston shall be denominated ordinances, and the enacting style shall be, "Be it ordained by the City Council of Boston, as follows."

(Rev. Ord. 1961 c. 1 § 2; Ord. 1975 c. 8 § 2; CBC 1975 Ord. T2 § 751)

2-12.3 Publication.

Every ordinance shall take effect upon its passage unless otherwise within provided and shall be deemed published by action of the City Council in passing the same unless the City Council shall otherwise by order direct, in which event the City Clerk shall cause the ordinance, or such notice as the Council directs, to be published, as an expense of the Clerk's office.

(Rev. Ord. 1961 c. 1 § 3; CBC 1975 Ord. T2 § 752; Ord. 1984 c. 37)

2-12.4 Departments Created.

The Departments named in the following chapters are hereby created, and placed under the charge of the officers or boards designated therefor, under the general supervision and control of the Mayor.

(Rev. Ord. 1961 c. 1 § 16; CBC 1975 Ord. T2 § 753)

Cross Reference: Ord. ss 2-7.1.

2-12.5 Adoption and Promulgation of Forms and Regulations.

a. City Departments shall, in adopting and promulgating forms and regulations, adhere to the requirements of Chapter 30A of the General Laws, State Administrative Procedure, particularly Sections 1 through 6, provided, however, that the City Clerk shall appropriately perform those duties designated therein to be performed by the Secretary of State.

b. Forms and regulations in effect prior to June 30, 1978, if not readopted and repromulgated in accordance with the above standards shall become null and void on June 30, 1978.

(Ord. 1975 c. 8; CBC 1975 Ord. T2 § 754; Ord. 1976 c. 15; Ord. 1977 c. 18)

2-13 REQUIRING THE ATTACHMENT OF A FISCAL NOTE TO CERTAIN LEGISLATION.

2-13.1 When Required; Information to Be Included.

The Deputy Director of Administrative Services for Fiscal Affairs of the City shall prepare a fiscal note for all orders or ordinances which would result in an expenditure of funds, except those which propose specific sum appropriations. A fiscal note shall report:

a. The estimated change effected by an order or ordinance upon City expenditures over a period of five (5) years after the implementation of the order or ordinance unless the Deputy Director for Fiscal Affairs certifies that the cost of the order or ordinance over the initial five (5) year period will not exceed twenty-five thousand (\$25,000.00);

b. The estimated change effected by an order or ordinance upon City expenditures after the initial five (5) year period if substantial increases or decreases in the annual cost of the order or ordinance are expected to occur after the initial five (5) year period; and

c. What portion of the funds which will finance the order or ordinance will be provided by the local, State, and Federal Governments respectively. The fiscal note shall also include actuarial data where relevant.

(Ord. 1976 c. 6)

2-13.2 Form of Fiscal Note.

A fiscal note may consist of one or more sheets, but each sheet shall be in substantially the following form:

CITY OF BOSTON FISCAL NOTE

Docket number (here insert docket number of proposed order or ordinance); date of referral (date of referral to committee); date due (date two weeks from date of referral); date of return (date fiscal note is returned to City Clerk); subject (here insert general area of concern of proposed order or ordinance).

I hereby certify that, to the best of my knowledge, the total cost of Docket Number (here insert above docket number) over the initial five (5) year period of

its implementation will not exceed \$25,000.00. (If the above statement is correct, the Deputy Director of Administrative Services for Fiscal Affairs shall affix his or her signature in the space provided. If the above statement is not correct, the Deputy Director for Fiscal Affairs shall complete the remainder of the sheet.)

The estimated cost of Docket number (here insert above docket number) over the initial five-year period of its implementation exceeds \$25,000.00.
(Ord. 1976 c. 6)

2-13.3 Information and Procedures.

The information required by Section 2-13 of the Revised Ordinances of 1985, as amended, is as follows:

FISCAL NOTE WORKSHEET

(The aforementioned worksheet shall include a total amount of estimated expenditures of the proposed order or ordinance for the initial five-year period of implementation and shall also include a breakdown under headings Year 1, Year 2, Year 3, Year 4, and Year 5 of tabulations of the estimated expenditures of said proposal throughout the initial five-year period of implementation. The estimated expenditures of the proposed order or ordinance shall be categorized under the headings entitled) 1. Estimated total cost of proposal; (subdivision) A. personal services, B. contractual services, C. supplies and materials, D. current charges and obligations, E. equipment, F. structures and improvements, G. land and nonstructural improvements; 2. portion of financing provided by (subdivision) A. city funds, B. state funds, C. federal funds, D. Other funds (with accompanying explanation).

If substantial increases or decreases in any of the above categories are expected to occur after the initial five-year period, please outline and explain (here respondent shall explain any such expected increases or decreases).

Attach actuarial data when relevant.

(The Deputy Director of Administrative Services for Fiscal Affairs shall here affix his or her signature in the space provided if he or she has not already certified the above portion.)

Upon referral of any proposed order or ordinance to committee, the City Clerk shall forthwith provide a copy of the proposed order or ordinance and a form entitled "Fiscal Note," with the appropriate matter required by the first three paragraphs of the foregoing form printed or inserted thereon, to the Deputy Director for Fiscal Affairs. The fiscal note shall be prepared by the Budget Division in cooperation with the departments, agencies, or governmental units to be affected by the order or ordinance. The Deputy Director for Fiscal Affairs shall return the proposed order or ordinance with the fiscal note attached, to the City

Clerk within a period of two (2) weeks from the date of referral of the proposed order or ordinance to committee. The City Clerk shall forward the fiscal note to the appropriate committee, from which time the fiscal note shall be permanently attached to the order or ordinance and shall be a matter of public record. Upon receipt of the fiscal note, the chairperson of the committee shall request of the sponsor(s) of the order or ordinance any comment regarding the contents of the fiscal note.

If for any reason the Deputy Director for Fiscal Affairs is unable to prepare the fiscal note within two (2) weeks from the date of referral to committee of the proposed order or ordinance, the Deputy Director for Fiscal Affairs shall so inform the City Clerk, whereupon a meeting of the Executive Committee of the City Council shall be called for one hour following the commencement of the next regularly scheduled City Council meeting and at which the Deputy Director for Fiscal Affairs shall appear and state his or her reasons for failure to present the fiscal note. The City Council, at its discretion, may grant an extension of time to the Deputy Director for Fiscal Affairs for preparation of the fiscal note, or may employ its powers under Section 17F of Chapter 452 of the Acts of 1948, as amended, or any other authority vested in the City Council to assist the Deputy Director for Fiscal Affairs in the preparation of the fiscal note.

The requirement to prepare a fiscal note shall be deemed waived if two-thirds of the members of the City Council so vote.

(Ord. 1976 c. 6)

CHAPTER III
ACQUISITION AND DISPOSITION OF PROPERTY

No Ordinances Apply. See Statutes and Regulations.
(CBC 1975 Ord. T3)

CHAPTER IV

CONTRACTS

4-1 DESIGNER SELECTION BOARD.

4.1.1 Definitions.

The words defined in this ordinance shall have the meanings set forth below whenever they appear in this section, unless the context in which they are used clearly requires a different meaning, or a different definition is prescribed for a particular paragraph or provision.

Applicant shall mean any person or entity applying to perform design services, the principal personnel responsible for the provision of such services for the project, and the persons who will be the principal staff for the project.

Board shall mean the Designer Selection Board.

Continued services shall mean authorization for a designer who has been appointed for one stage of a project to act as the designer for a succeeding stage or stages of the same project.

Construction manager shall mean any designer or any other corporation, partnership, individual, sole proprietorship, joint stock company, joint venture, or other entity engaged in the practice of construction management or construction scheduling.

Director shall mean the director of the Department of Administrative Services.

Designer shall mean an individual, corporation, partnership, sole proprietorship, joint stock company, joint venture, or other entity engaged in the practice of architecture, landscape architecture, or engineering, which satisfies the following:

- a. If an individual, the individual is a registered architect, landscape architect, or engineer;
- b. If a partnership, a majority of all the partners are persons who are registered architects, landscape architects, or engineers;
- c. If a corporation, sole proprietorship, joint stock company or other entity, the majority of directors and the chief executive officer are persons who are registered architects, landscape architects, or engineers, and the person to have the project in his or her charge is registered in the discipline required for the project;

d. If a joint venture, each joint venturer satisfies the requirements of this section.

Design services shall mean any of the following services provided by any designer, programmer, or construction manager in connection with any public building project:

a. Preparation of master plans, studies, surveys, soil tests, cost estimates or programs;

b. Preparation of drawings, plans, or specifications, including but not limited to schematic drawings, preliminary plans and specifications, working plans and specifications or other administration of construction contracts documents;

c. Supervision or administration of a construction contract;

d. Construction management or scheduling.

Extended services shall mean authorization for a designer who has been appointed to provide design services for a project to act as designer for work to be done on another project not originally included in that designer's contract.

Mayor shall mean the Mayor or persons designated by him/her.

Programmer shall mean any designer or any other individual, corporation, partnership, sole proprietorship, joint stock company, joint venture, or other entity engaged in the preparation of architecture facility programs or studies.

Using agency shall mean a department, agency, board, commission, authority, or other instrumentality of the City of Boston.

(CBC 1981 c. 21 § 1)

4-1.2 Membership Regulations and Procedures of the Board.

a. *Appointment of Members; Terms.* There shall be located within the Administrative Services Department a Designer Selection Board, consisting of five (5) members. Four (4) members shall be appointed by the Mayor within sixty (60) days of the effective date of this ordinance, as follows: one from three (3) candidates nominated by the Boston Society of Architects, one from three (3) candidates nominated by the Massachusetts Society of Professional Engineers, one from three (3) candidates nominated by the Boston Municipal Research Bureau, one from three (3) candidates nominated by the Boston Society of Civil Engineers, and the director of Administrative Services ex officio. The nominee of the Boston Society of Civil Engineers shall be appointed for a term of two (2) years; of the Boston Municipal Research Bureau for a term of three (3) years; of the Massachusetts Society of Professional Engineers for a term of four (4) years; and of the Boston Society of Architects for a term of five (5) years. As the term of any commissioner expires, his successor shall be appointed for a term of five (5) years. Vacancies in the Commission shall be filled for the unexpired term. The members

of the Board shall serve without compensation. The Board shall elect each year one member to serve as the chairman. The Director of Administrative Services shall serve as the secretary thereof and shall keep all records of the Board. The Board shall not be subject to the supervision or control of the Administrative Services Board or any member thereof and shall, on or before the last Monday of January, 1982, and annually thereafter, make a report of its proceedings and votes to the City Council.

b. *Jurisdiction and Duties.* The Board shall have jurisdiction over the selection of all designers, programmers, and construction managers performing design services in connection with any building projects for all City departments.

c. *Public Notice.*

1. Each contract for designer services for a project subject to the jurisdiction of the Board shall be publicly advertised by the Board in a newspaper of general circulation in the City, local minority papers, and in such places as the Board requires by regulation, at least two (2) weeks before the deadline for filing applications.

2. The public notice required by the above shall contain:

(a) A description of the project, including the specific designer services sought, the estimated construction cost, and the time period within which the project is to be completed;

(b) If there is a program for the project, a statement of when and where the program will be available for inspection by applicants, and when and where a briefing session will be held for applicants, if one is required by the Board's regulations and if there is not a program for the project, a statement to the effect;

(c) The qualification required of applicants for the projects;

(d) The categories of designers, consultants, if any, for which applicants must list the names of consultants which the applicant may choose to use;

(e) Whether the fee has been set or will be negotiated, and if the fee has been set, the amount of the fee.

d. *Filing of Designer's Statement.* No designer, programmer, or construction manager may file an application for any project subject to the Board's jurisdiction unless having first filed with the Board a written statement containing the following information:

1. Certification that the applicant legal entity, if applying to perform design services other than preparation of studies, surveys, soil testing, cost estimates or programs, is a designer or construction manager;

2. The names and addresses of all partners, if a partnership, of all officers, directors and all persons with an ownership interest of more than five (5%) percent in the applicant if not a partnership;

3. The registration number and status of each such person in every jurisdiction in which such person has ever been registered as an architect, landscape architect or engineer;

4. A list of all projects for all public agencies within the Commonwealth for which the applicant has performed or has entered into a contract to perform design services within the five (5) year period immediately preceding the filing of the information required in this section;

5. A list of all current projects for which the applicant is performing or is under contract to perform any design services; and

6. If the applicant is a joint venture, the information required in this section shall be required for each joint venturer, as well as for the joint venture itself.

e. *Statement Required to Be Current.* The Board shall keep a permanent record of the statements filed pursuant to this section and shall require the statements to be made current on a regular basis, and that statements pursuant to subparagraphs 5. and 6. of paragraph d. of this section be current with each application filed.

f. *Statement of Experience and Qualifications.* An applicant to perform design, programming or construction management services on a project may be required to file, in addition to the statement required under paragraph d. of this subsection, a written application as prescribed by the Board, relating to the applicant's experience, ability, and qualifications.

g. *Swearing to Statements.* Every application or statement filed pursuant to this section shall be sworn to under penalties of perjury. A designer, programmer or construction manager who has been determined by the Board to have filed materially false information under this section shall be disqualified by the Board from further consideration for any project for such time as the Board determines is appropriate.

h. *Board's Restriction in Advertising.* The Board shall not advertise for designers nor select any finalists to perform any design services other than the preparation of master plans, studies, surveys, soil tests, cost estimates, or programs unless the Director of Administrative Services certifies: That it is appropriate to do so and either that a program defining the design services required has been prepared, and has been approved by the Administrative Services, or that no program is required by the Administrative Services.

i. *Board to Adopt Written Criteria.* The Board shall adopt written applicants' criteria for selection of semifinalists and finalists based upon information obtained under paragraph d. of this section for each project. The criteria shall include:

1. Prior similar experience;
2. Past performance on public and private projects;
3. Financial stability;

4. Identity and qualifications of the consultants who will work with the applicant on the project; and

5. Any other criteria that the Board considers relevant for any project.

j. *Semifinalists*. Semifinalists may be chosen for each project. The Board shall select at least three (3) finalists from among all the applicants, or from the semifinalists selected under this section, and in doing so may require all the applicants or the semifinalists to:

1. Appear for an interview before the Board;
2. Present a written proposal to the Board not including a fee quotation; or
3. Participate in a design competition held by the Board.

k. *List of Finalists*. The Board shall transmit a list of the chosen finalists to the Mayor. No person or firm disqualified pursuant to paragraph d. of this section, or debarred pursuant to Section 44C of Chapter 149 of the General Laws of the Commonwealth, shall be so included as a finalist.

The list shall rank the finalists in order of qualification and include a record of the final vote of the Board on the selection; and include a written statement explaining the Board's reason for its choice and its ranking of the finalists.

l. *Disqualification of Board Member*. For the purpose of this ordinance, and subject to the penalties therein, no member of the Board shall participate in the selection of a designer as a finalist or semifinalist for any project if the member or any member of his or her immediate family has a direct or indirect financial interest in the award of the design contract to any applicant;

1. Is currently or has ever been employed by, or is currently a consultant to or under contract to an applicant;
2. Is negotiating or has an arrangement concerning future employment or contracting with any applicant; or
3. Has an ownership interest in, or is an officer or director of any applicant.

m. *Fee Set by City Prior to Selection of Designer*. In the selection of a designer when the fee for design services has been set by the City prior to the selection process, the Mayor shall appoint a designer from among the list transmitted to him/her under paragraph k. of this section. If the Mayor appoints any designer other than the one ranked first by the Board, she/he shall file a written justification of the appointment with the Board.

When the fee for design services is to be negotiated, the Mayor shall review the list transmitted by the Board, and may exclude any designer from the list if a written explanation is filed with the Board. The Mayor shall then appoint a designer based on a successful fee negotiation. The Mayor or persons designated by

him/her shall first negotiate with the first-ranked designer remaining on the list. Should the Mayor be unable to negotiate a satisfactory fee with the first-ranked designer within thirty (30) days, negotiations shall be terminated and negotiations undertaken with the remaining designers, one at a time, in the order in which they were ranked by the Board, until an agreement is reached. In no event may a fee be negotiated which is higher than a maximum fee set by the City prior to selection of finalists. Should the Mayor be unable to negotiate a satisfactory fee with any designer initially selected as a finalist by the Board, the Board shall recommend additional finalists in accordance with the provisions of this section. The Mayor may require a finalist with whom a fee is being negotiated to submit a fee proposal and include with it such information as the Mayor requires to provide current cost and pricing data on the basis of which the designer's fee proposal may be evaluated.

n. *Statement of Fees in Contract.* All fees shall be stated in designer's contracts and in any subsequent amendment thereto as a total dollar amount. Contracts may provide for equitable adjustments in the event of changes in scope or services.

o. *List of Consultants Used by Applicants.* When the Board has required that applicants list consultants which the applicants may employ, in no event shall a consultant be used who is debarred pursuant to General Laws of the Commonwealth Section 44C of Chapter 149, as amended, and any change in or addition to the consultants named in the application and allowed by the Board upon appointment must be approved by the Mayor and reported to the Board, along with a written statement by the designer or construction manager of the reasons for the change.

p. *Truth-In-Negotiations Certificate.* If the designer's or construction manager's fee is negotiated, the designer or construction manager must file a truth-in-negotiations certificate prior to being awarded the contract by the Mayor, which must be incorporated into the contract. The certificate must contain:

1. A statement that the wage rates and other costs used to support the designer's compensation are accurate, complete, and current at the time of contracting; and

2. An agreement that the original contract price and any additions to the contract may be adjusted within one year of completion of the contract to exclude any significant amounts if the Mayor determines that the fee was increased by such amounts due to inaccurate, incomplete or noncurrent wage rates or other costs.

q. *Special Conditions.* The Board may specify other special conditions or requirements in selecting a particular applicant as a finalist. If any change is made by the applicant after appointment relating to such special conditions or requirements, the change must be approved by the Mayor and reported to the Board along with a written statement by the appointee of the reasons for the change.

r. *Eligibility.* A designer or programmer appointed to do a feasibility study, master plan or program for a project shall be ineligible for appointment to perform the design services for that project.

s. *Gifts and Contributions Prohibited.* Every contract for design services awarded under this section shall include the following:

1. Certification that the designer or construction manager has not given, offered or agreed to give any person, corporation, or other entity any gift, contribution or offer of employment as an inducement for, or in connection with, the award of the contract for design services;

2. Certification that no consultant to or subcontractor for the designer or construction manager has given, offered or agreed to give any gift, contribution or offer of employment to the designer or construction manager, or to any other person, corporation, or entity as an inducement for, or in connection with, the award to the consultant or subcontractor of a contract by the designer or construction manager;

3. Certification that no person, corporation or other entity, other than a bona fide, full-time employee of the designer or construction manager, has been retained or hired by the designer or construction manager to solicit for or in any way assist the designer or construction manager in obtaining the contract for design services upon an agreement or understanding that such person, corporation or other entity be paid a fee or consideration contingent upon the award of the contract to the designer.

t. *Liability Insurance.* Contracts for design services shall include a requirement that the designer at his/her own expense obtain and maintain a professional liability insurance policy covering negligent errors, omissions and acts of the designer or of any person or business entity for whose performance the designer is legally liable arising out of the performance of such contracts for design services. The designer shall furnish a certificate or certificates of such insurance coverage to the City prior to the award of the contract. A professional liability insurance policy obtained and maintained pursuant to this subparagraph shall provide for coverage in an adequate amount for the applicable period of limitations and include any added coverage and in such amounts as the City shall require.

At the request of the City, a consultant employed by a designer subject to this subparagraph shall obtain and maintain a liability insurance policy covering negligent errors, omissions and acts of such consultant or of any person or business entity for whose performance the consultant is legally liable arising out of the performance of the contract of consultant services.

u. *Disqualification for False Statements.* A designer, construction manager, or programmer who has been determined by the Board to have provided materially

false statements or information under this section shall be disqualified by the Board from future work on any project for such time as the Board determines is appropriate.

v. *Appointment for Continuous or Extended Service.* The Mayor may appoint a designer to perform continued or extended services if the following conditions are met:

1. A written statement is filed with the Board explaining the reasons for the continuation or extension of services;

2. The program for the design services is filed with the Board if one is required by the regulations of the using agency; and

3. The Board approves the appointment of the designer for continued or extended services and states the reasons therefor.

w. *Use of Expedited Procedures.* Whenever the Mayor shall declare that the health or safety of any persons will be endangered because of the time required for the selection of a designer, programmer or construction manager by the procedures prescribed in this section or whenever a deadline for action is set on a project by any court or Federal agency which cannot be met if those selection procedures are followed. Finalist selection may be made by the Board by expedited procedures adopted by regulation by the Board.

x. *Contracts Under Ten Thousand (\$10,000.00) Dollars.* Every contract for design services for any building construction, reconstruction, alteration, remodeling, or repair estimated not to exceed ten thousand (\$10,000.00) dollars by the City, thereof, shall be awarded complying with the purposes and intent of this section, and the following requirements:

1. The establishment by using agency of uniform requirements of information to be submitted by all applicants, a uniform procedure for the evaluation of all applications to a group of no fewer than three (3) finalists, and the opportunity to be afforded equally to all finalists and the opportunity to be afforded equally to all finalists to provide additional information to or appear before the selection body;

2. That a written explanation of the reasons for selection including the recorded vote, if any was taken, be made public and recorded with the Designer Selection Board prior to the notification of award;

3. The provisions of this section regarding the designation of fees in the contract;

4. Provided, however, that nothing in this section shall be interpreted to require the establishment of a Board or waive or reduce the requirements of any other applicable law or regulation.

y. *Adoption of Procedures.* The Board shall independently adopt procedures and regulations as necessary to implement expeditiously the requirement of this section.

(Ord. 1981 c. 21 § 2)

4-1.3 Failure to Comply With Regulations and Procedures.

In the event that any City official awards a contract for design services after this ordinance is in force without complying with the provisions of this ordinance, such contract shall not be binding on the City; and the Mayor or City Council, with the assistance of the Corporation Counsel or Special Counsel, shall proceed in any court of competent jurisdiction to recover any City funds expended in accordance with the provision of such contract from the contractor or the City official who awarded the contract without compliance herewith.

(Ord. 1981 c. 21 § 3)

4-1.4 Severability Clause.

If any portion of this ordinance is found by a court of competent jurisdiction to be unlawful, such finding shall not affect any other portion of said ordinance not specifically so found.

(Ord. 1981 c. 21 § 4)

4-2 TO ENABLE CITY DEPARTMENTS TO GIVE PREFERENCE TO CITY FIRMS IN THE PURCHASE OF CERTAIN GOODS AND SERVICES.

4-2.1 Definition.

For purposes of this section the term "city firm" shall mean that for the term of the contract:

a. In the case of a sole proprietorship, the person's principal place of business and residence are located in the City, or a majority of his/her employees are residents in the City;

b. In the case of a partnership, a majority of the partners reside in the City, or the principal place of business of the partnership is located in the City, or a majority of the employees of the partnership reside in the City;

c. In the case of a corporation, a majority of its shareholders are residents of the City, or the principal place of business of the corporation is located in the City, or a majority of the employees of the corporation are residents of the City.

(Ord. 1979 c. 44 § 1)

4-2.2 City Firms Bid; Mayor's Permission Required to Award Contract.

Whenever any officer or board in charge of a Department of the City or County invites proposals to do any work or make any purchase, except work done or purchases made in accordance with G.L. c. 30, s. 39M, or G.L. c. 149, ss. 44A-L, and a responsible and eligible City firm bids a price no higher than five (5%) percent above a non-City firm which is the lowest bidder, said officer or board shall request the Mayor's permission to award the contract without further advertising to the City firm.

(Ord. 1979 c. 44 § 2)

4-2.3 Mayor to Refer to Committee.

The Mayor shall refer such request to a Committee composed of the Director of Administrative Services, the Collector-Treasurer and the Corporation Counsel. If a majority of said Committee recommends the award of the contract to the City firm notwithstanding that its bid was not the lowest, the Mayor may approve such award.

(Ord. 1979 c. 44 § 3)

4-2.4 Mayor to Notify Boston City Council; Time Required.

Provided, however, that at least three (3) weeks prior to the awarding of such a contract, the Mayor shall notify the Boston City Council.

(Ord. 1979 c. 44 § 4)

CHAPTER V

ADMINISTRATION

5-1 ADMINISTRATIVE SERVICES DEPARTMENT.

5-1.1 Administrative Services Board; Appointment and Term of Members.

There shall be in the City a Department, known as the Administrative Services Department, which shall be under the charge of a Board, known as the Administrative Services Board, consisting of an officer, known as the Director of Administrative Services, who shall be Chairman of the Board, an officer known as the Deputy Director of Administrative Services for Fiscal Affairs, an officer known as the Supervisor of Budgets, an officer known as the Supervisor of Labor Relations, an officer known as the Supervisor of Personnel, an officer known as the Purchasing Agent, and the Commissioner of Assessing, the City Auditor and the Collector-Treasurer, ex officio. The Director Administrative Services, the Deputy Director of Administrative Services for Fiscal Affairs, the Supervisor of Budgets, the Supervisor of Labor Relations, and the Purchasing Agent shall each be appointed by the Mayor for a term expiring on the first Monday of the January following the next biennial municipal election at which a Mayor is elected, and shall devote their whole time to the duties of their respective offices. The Supervisor of Personnel shall be appointed by the Mayor, and hold office, subject to the Civil Service laws and rules, and shall devote his whole time to the duties of his office. The Director of Administrative Services shall exclusively have the powers, and perform the duties, of a department head with respect to the appointment, suspension, discharge, compensation and indemnification of subordinates for the Administrative Services Department and the several officers thereof.

(Ord. 1953 c. 8 § 9; Ord. 1956 c. 3 § 2; Ord. 1961 c. 1 § 3; Ord. 1968 c. 2 § 2; Rev. Ord. 1961 (Sup. 1971) c. 4 § 1; Ord. 1974 c. 5 § 2; CBC 1975 Ord. T5 § 1)

5-1.2 Duties of Director.

It shall be the duty of the Administrative Services Board, and more especially of the Director of Administrative Services, to make, under the Mayor, studies and recommendations with respect to the organization, activities, policies and procedures of all Departments, Boards and officers so that the administration thereof shall be economical and efficient. The Administrative Services Board shall divide the Administrative Services Department from time to time into such divisions as said Board shall adjudge necessary for the proper conduct of the

Department. The Director of Administrative Services shall, from time to time, as written studies and recommendations are made by him or by the Administrative Services Board, and at such times as the City Council may order, file a copy thereof with the City Clerk for transmission to the City Council, and shall cause to be included in the annual report of said Board, summaries of all such studies and recommendations.

(Rev. Ord. 1961 c. 4 § 2; CBC 1975 Ord. T5 § 2)

5-1.3 Duties of Deputy Director.

The Deputy Director of Administrative Services for fiscal affairs shall, under the direction of the Mayor, and in consultation with the Director of Administrative Services, review all aspects of the fiscal affairs of the City and make recommendations for continual modernization and improvement in the basic fiscal policies and procedures of the City, including, but not limited to, the means by which the budget can be used to effectuate policy decision.

(Ord. 1968 c. 2 § 1; Rev. Ord. 1961 (Sup. 1971) c. 4 § 2A; CBC 1975 Ord. T5 § 3)

Cross Reference: Ord. Sec. 2-13.

5-1.4 Duties of Supervisor of Labor Relations.

The Supervisor of Labor Relations shall, under the direction of the Mayor, and in consultation with the Director of Administrative Services, review all aspects of the labor relations of the City and make recommendations for their improvement, represent the Mayor in all collective bargaining in which the City is involved, and by himself or through assistants appear in all grievance, arbitration, and court proceedings involving labor relations.

This ordinance shall be deemed to be made under Section 5 of Chapter 486 of the Acts of 1909, as amended by Section 1 of Chapter 473 of the Acts of 1953, and shall be so construed that no person holding, whether under general or special law or otherwise, an office or position subject to the Civil Service laws and rules shall, by reason of the adoption of this ordinance, be without a similar office or position or be reduced in rank or compensation.

(Rev. Ord. 1961 c. 4; Ord. 1968 c. 2; Ord. 1974 c. 5 §§ 3, 4; CBC 1975 Ord. T5 § 4)

5-1.5 Duties of Supervisor of Budgets.

The Supervisor of Budgets shall, under the direction of the Mayor and in consultation with the Director of Administrative Services, prepare in segregated form the annual and all supplementary budgets to be submitted by the Mayor to the City Council, and shall report to the Mayor on all subsequent revisions of the items in any budget. The Supervisor of Budgets shall also prepare, under the direction of the Mayor and in consultation with the Director of Administrative Services, all transfer orders to be submitted by the Mayor to the City Council under

Section 3B of Chapter 486 of the Acts of 1909. The Supervisor of Budgets shall further prepare, under the direction of the Mayor and in consultation with the Director of Administrative Services, the form of estimate sheets to be used by each Officer, Board and Department, and each Division of a Department, for which the City appropriates money, and the form of monthly report of such Officer, Board and Department, and each division thereof, showing expenditures to date of all appropriations by item. In order to assist in the implementation of the provisions of Section 16 of Chapter 486 of the Acts of 1909, for each agency to which funds are appropriated, it shall be the responsibility of the Supervisor of Budgets to establish and supervise a system of monthly allotments of the funds in each budget item approved by the City Council; and, except in extreme emergency, as provided by said Section 16, no official in charge of any agency shall expend in any month any sum in excess of said budget item allotment except upon recommendation of the Supervisor of Budgets with the approval of the Mayor and City Council. The Supervisor of Budgets shall, in addition, have the powers and perform the duties conferred or imposed on the Budget Commissioner by any statute other than Section 56 of Chapter 35 of the General Laws. There shall be a fine of two hundred (\$200.00) dollars for each violation of this ordinance.

(St. 1909 c. 486 § 3B; Ord. 1956 c. 3 § 3; Rev. Ord. 1961 c. 4 § 3; CBC 1975 Ord. T5 § 5; Ord. 1979 c. 27)

Cross Reference: G.L. c. 35 § 56.

5-1.6 Duties of Supervisor of Personnel.

The Supervisor of Personnel shall:

- a. Establish and maintain personnel records, as complete as practicable, for all persons in the service of the City;
- b. Make a continuing study of personnel problems, employment conditions and economic changes affecting the several departments of the City;
- c. Recommend, from time to time to the Mayor and the several officers appointing subordinates, programs designed to provide opportunities for career service with the City and administrative policies tending to improve and coordinate the handling of personnel matters;
- d. Supervise the administration of all compensation plans established for employees of the City and recommend such changes in those plans as from time to time shall seem to him necessary or advisable; and
- e. Have the powers and perform the duties conferred or imposed on the Budget Commissioner by Section 56 of Chapter 35 of the General Laws. The Supervisor of Personnel shall furnish the Supervisor of Budgets such assistance as said Supervisor shall require in connection with the performance by said Supervisor of his duties under subsection 5-1.5.

(Rev. Ord. 1961 c. 4 § 4; CBC 1975 Ord. T5 § 6)

Cross Reference: G.L. c. 35 § 56.

5-1.7 Personnel Practices in Youth Activities Commission.

The Supervisor of Personnel, on or before September 1, 1979, shall establish, subject to approval of the City Council, rules and regulations to govern personnel in the Youth Activities Commission which shall:

a. Insure that for all appointments to positions within the Commission, made after June 30, 1979, every reasonable effort shall be made to guarantee any resident of the City, who is qualified for any such position, timely notice that such position is available, reasonable opportunity to apply for such position and equal opportunity with all qualified applicants for appointment.

b. Insure that all employees of the Commission have equal opportunity for promotion, pay increases or other job-related benefits based on their training, experience and work performance as such employees.

c. Insure that any such employee is given an opportunity to join a collective bargaining unit, if he or she so chooses, without interference from any official or employee of the City.

In addition, it shall also be the responsibility of said Supervisor, on or before September 1, 1979, to establish and submit to the City Council, job descriptions and qualifications for all positions within the Commission excepting that of Commissioner.

(Ord. 1979 c. 26)

5-1.8 Duties of Purchasing Agent.

The Purchasing Agent shall, when satisfied of the legality of any requisition in writing signed by the officer in charge of a department requiring material or supplies of any kind, at once comply with such requisition and furnish the material or supplies requisitioned, shall require suitable evidence that the material or supplies furnished are accepted by the officer issuing the requisition, and shall keep suitable records of all requisitions received and materials and supplies furnished.

(Rev. Ord. 1961 c. 4 § 5; CBC 1975 Ord. T5 § 7)

5-1.9 Printing Plant; Union Label.

The Purchasing Agent shall have charge of the printing plant, shall, when satisfied of the legality of any requisition in writing signed by any officer to whom the City is required by law to furnish printing or binding, supply the printing or binding requisitioned, and shall, wherever practicable, standardize all such printing and binding. All printed matter done for the City shall, so far as it can legally do so, bear the imprint of the union label of the Allied Printing Trades Council of Boston.

(Ord. 1901 c. 1; Rev. Ord. 1961 c. 4 § 6; CBC 1975 Ord. T5 § 8)

5-1.10 City Documents.

The Purchasing Agent shall number and print as City Documents copies of the Mayor's Inaugural or Annual Address, the Department Reports and such other matter as may be ordered to be printed in the form of a City document by the City Council or by the Mayor. The number of copies of each document to be printed shall, unless specified by the City Council, be determined by the Mayor; provided, however, that the minimum shall be one hundred (100), of which fifty (50) copies shall be bound in sets of volumes containing all such City documents with an alphabetical index. All City documents and sets of volumes shall be delivered to the City Messenger and distributed in such manner as the City Council may direct. The fee chargeable for any available printed City documents provided by the City Council to persons other than City Departments shall be:

- a. Fifty (\$.50) cents for documents measuring six inches by nine inches (6" × 9") or less and numbering fewer than twenty-five (25) pages;
- b. One (\$1.00) dollar for documents measuring six inches by nine inches (6" × 9") or less and numbering between twenty-five (25) and one hundred (100) pages;
- c. Two (\$2.00) dollars for documents measuring six inches by nine inches (6" × 9") or less and numbering more than one hundred (100) pages;
- d. Two dollars and fifty (\$2.50) cents for documents eight and one-half inches by eleven inches (8½" × 11") and numbering fewer than one hundred (100) pages;
- e. Three dollars and fifty (\$3.50) cents for documents eight and one-half inches by eleven inches (8½" × 11") and numbering more than one hundred (100) pages;
- f. Twenty-five (\$25.00) dollars for a one-year subscription including all documents in the above categories.

The fees shall be collected by the Staff Director or the Librarian of the City Council and used to defray the cost of obtaining printed documents.

Special publications shall from time to time, be printed on the order of the City Council approved by the Mayor to which the provisions of this section, except as to distribution shall not apply.

(Rev. Ord. 1961 c. 4 § 7; CBC 1975 Ord. T5 § 9; Ord. 1978 c. 3)

5-2 ART COMMISSION.

5-2.1 Art Commissioners; Appointment, Term, Compensation, Powers and Duties.

There shall be in the Administrative Services Department a Board, known as the Art Commission, consisting of five (5) Commissioners appointed by the Mayor as follows: one from three (3) candidates nominated by The Boston Society of Architects, one from three (3) candidates nominated by the Copely Society of Boston, one from three (3) candidates nominated by the Massachusetts Institute of Technology, one from three (3) candidates nominated by the Museum of Fine Arts,

and one from three (3) candidates nominated by the Trustees of the Public Library of the City of Boston. As the term of any Commissioner in office expires, his successor shall be appointed as such Commissioner for a term of five (5) years. Vacancies in the Commission shall be filled for the unexpired term. The members of the Art Commission shall serve without compensation. Any Secretary elected by the Commission outside of its own members shall also serve without compensation.

The Art Commission shall not be subject to the supervision or control of the Administrative Services Board or any member thereof; but unless otherwise ordered by the Mayor, the Art Commission shall not communicate with the Mayor except through the Director of Administrative Services and shall not make any annual or other report except through the Administrative Services Board.

The Art Commission shall have the powers and perform the duties conferred or imposed by law on the Board of Art Commissioners in existence immediately prior to the taking effect of Chapter 8 of the Ordinances of 1953.

(St. 1898 c. 410; Sp. St. 1919 c. 87; Ord. 1953 c. 8 § 9; Rev. Ord. 1961 c. 4 § 8; CBC 1975 Ord. T5 § 10)

5-3 PUBLIC SAFETY COMMISSION.

5-3.1 Established; Powers and Duties.

There shall be in the Administrative Services Department, the Board, known as the Public Safety Commission, provided for by Section 1 of Chapter 203 of the Acts of 1959. Said Board shall exercise the powers and perform the duties provided by statute.

(St. 1959 c. 203 § 1; Rev. Ord. 1961 C. 4 § 9; CBC 1975 T5 § 11)

5-4 DEPARTMENT OF FEDERALLY FUNDED AGENCIES.

5-4.1 Federally Funded Agencies Board; Appointment and Terms.

There shall be in the City of Boston a Department known as the Department of Federally Funded Agencies. This Department shall be under the charge of a Board, known as the Board of Federally Funded Agencies, consisting of an officer known as the Commissioner of Federally Funded Agencies, appointed by the Mayor for a term expiring on the first Monday of the January following the next biennial municipal election at which a Mayor is elected, who shall be the Chairman of the Board and two (2) other officers known as Associate Commissioners of Federally Funded Agencies, each likewise appointed by the Mayor for a term expiring on the first Monday of the January following the next biennial municipal election at which a Mayor is elected.

(Ord. 1979 c. 21)

5-4.2 Powers and Duties.

The Commissioner of Federally Funded Agencies shall exclusively have the powers, and perform the duties of a Department head with respect to the appointment, suspension, discharge, compensation and indemnification of subordinates for the Department; but otherwise, all powers and duties shall be exercised by the Board, and the Commissioner as a member of said Board.

It shall be the duty of the Department to determine what funds are available from the United States of America to assist the City and its people, to obtain and to monitor the expenditure of all such funds, and to administer all agencies within the Department.

Any agency, purporting to be a City agency, funded to an extent of fifty (50%) percent or more by such funds, existing on July 1, 1978, and continuing to exist on the date on which this ordinance is in force, which was not created and presently existing by previous ordinance, is hereby created and shall be in and subject to the administrative control of this Department.

The Department of Federally Funded Agencies shall serve as a liaison between the City of Boston and the various Federal agencies providing funds to municipalities, informing said agencies of the City's needs with respect to federal programs and assistance; shall seek out and provide all Boston municipal agencies with Federal funding information of import to said agencies, shall procure, distribute, and monitor the expenditure of Federal funds to insure compliance with Federal law, rules, regulations and all other applicable laws, ordinances, rules and regulations. All officers and employees of the Department shall be subject to the residency and/or voter registration requirements established by ordinance. (Ord. 1979 c. 21)

5-4.3 Divisions Within Department.

There shall be in the Department the following three (3) Divisions:

a. A Division of Information, Application and Distribution; a Division of Federal, State and Municipal Compliance; and a Division of Administration. The Division of Administration shall be under the direction, control and supervision of the Commissioner. Each of the other divisions shall be under the direction, control, and supervision of an Associate Commissioner.

b. It shall be the duty of said Division of Information, Application and Distribution to serve as liaison between the City of Boston and the various Federal agencies providing funds to the City to inform such Federal agencies of the City's need with respect to existing Federal programs and assistance, to encourage the establishment of new sources of Federal funding to aid the City, to provide Boston municipal agencies with all relevant Federal funding information, to assist said agencies in applying for such funding and to distribute such Federal funds to all

City agencies which are funded to any extent by such funds. In the interest of efficiency in the implementation of such information, application and distribution functions, said Division shall maintain a Washington, D.C., office to be under the direction, control and supervision of the Associate Commissioner for the Division of Information, Application and Distribution.

c. The Division of Administration shall contain all City agencies which are funded to an extent of fifty (50%) percent or more by such Federal funds. It shall be the duty of said Division to administer such subordinate agencies within said Division and, in performing this function, to coordinate the activities and expenditure of all such subordinate agencies within said Division.

d. It shall be the duty of the Division of Federal, State and Municipal Compliance to monitor the expenditure of such funds by municipal agencies. In serving as monitor, said Division shall insure that municipal agencies receiving such Federal funds comply with all State and Federal laws, rules, regulations and funding guidelines and all other applicable laws, ordinances, rules and regulations. (Ord. 1979 c. 21)

5-4.4 Annual Report.

On or before April 15, 1980, and on or before April 15 of each succeeding year, such Department shall report in writing to the Mayor and City Council. Such report shall include, but not be limited to, a report on all funds received by the City from the United States of America for the twelve (12) month period ending on the previous June 30th, how much of such funds were used by the Department as administrative expense, how much of such funds were distributed to each City agency, how much of such funds distributed to each such agency were used by such agency as administrative expense, and if the Department or City agency which is funded in whole or in part by such funds contracts for services, how much of the funds received by the contractor for such services were used for administrative purposes by the contractor, a narrative style account of the activities of the Department during the year covered by the report and the goals and outlook for the Department in the immediately succeeding years. (Ord. 1979 c. 21)

5-4.5 Appoints to Subordinate Positions.

a. If for any reason any appointment to a position within the Department, excepting that of Commissioner or Associate Commissioner, is not made in accordance with the provisions of Chapter 31 of the General Laws, it shall be the responsibility of the Department to forthwith establish and promulgate, subject to approval of the City Council rules and regulations which shall:

1. Insure that for all appointments to positions within the Department made after June 30, 1978, every reasonable effort shall be made to guarantee any

resident of the City, who is qualified for any such position, timely notice that such position is available, reasonable opportunity to apply for such position and equal opportunity with all qualified applicants for appointment. All positions established and all appointments to positions in agencies within the Department, excepting that of Commissioner and Associate Commissioner, made after June 30, 1978, are hereby abolished and cancelled as of July 1, 1979, and if reestablished and new appointments made, such appointments shall be made in accordance with this paragraph.

2. Insure that all employees have equal opportunity for promotion, pay increases or other job-related benefits based on their work performance as such employees.

3. Insure that any employee is protected in his or her employment against any inequitable threat of demotion, loss of pay, job termination, or other unfair labor or discriminatory practice.

4. Insure that any employee is given an opportunity to join a collective bargaining unit, if he or she so chooses, without interference from any official or employee of the City.

b. In addition, it shall also be the responsibility of the Department to forthwith establish and promulgate, subject to approval of the City Council, job descriptions for all positions within the Department which are not filled in accordance with the provision of Chapter 31 of the General Laws.

c. The provisions of this section, however, shall not apply to public service employment positions under the Federal Comprehensive Employment and Training Act which have been filled by lottery, or otherwise.

(Ord. 1979 c. 21)

5-5 BOARDS, DEPARTMENTS: OFFICERS, SUBORDINATES AND EMPLOYEES.

5-5.1 Acceptance of Office.

Every officer appointed by the Mayor or elected by the City Council, unless removed from office in accordance with law or unless such person leaves office by voluntary resignation, shall continue to hold office until his successor is appointed or elected and duly qualified. No such officer shall submit a resignation prior to taking office, and shall, at the time of taking office, submit to the City Clerk, for transmittal to the City Council, a written affidavit duly sworn and witnessed by a notary public, certifying that such person has not submitted any such resignation to the appointing official or body. The Mayor, within five (5) days of receipt of any resignation from such officer or within five (5) days after the expiration of any such officer's term, shall communicate such fact in writing to the City Clerk for

notification to the City Council at its next Council meeting. Every such officer shall subscribe in a book, to be kept by the City Clerk for that purpose, a statement that he accepts his office subject to the statutes and ordinances; whoever violates any provision of this ordinance shall be punished by a fine not to exceed two hundred (\$200.00) dollars each day, or part thereof, during which such violation exists shall be considered a separate offense.

(St. 1885 c. 266 § 4; St. 1980 c. 418; Ord. 1883 c. 10; Rev. Ord. 1961 c. 3 § 1; CBC 1975 T5 § 100; Ord. 1979 c. 42)

5-5.2 Residency and Voting Requirements for Certain Officers.

Each officer appointed by the Mayor or elected by the City Council and every person who for a period of more than ninety (90) days acts in place of such an officer, except those officers appointed by the Mayor under the provisions of subsection 5-5.6 of this chapter, shall be, or within the six (6) months next following the date of his acceptance of office shall become, both a resident and registered voter of the City of Boston and each such officer shall continue to be both a resident and a registered voter of the City of Boston during his term of office. This section shall not apply to those officers serving in positions without compensation except for reimbursement for expenses actually incurred in the performance of official duties, or to persons acting in place of such officers. If any such officer shall during his term of office remove from the City of Boston or cease to be a registered voter therein he shall be deemed to have become disqualified from holding his office as of the date of such removal or such cessation. Each officer affected by this section shall upon his acceptance of office or within the six (6) months next following thereupon, in writing and under the penalties of perjury, certify to the City Clerk that he is both a resident and a registered voter of the City of Boston. If, upon the expiration of the six (6) months next following his acceptance of office, any such officer shall not have so certified to the City Clerk that he is both a resident and a registered voter of the City of Boston, he shall be deemed disqualified from holding his office, and the City Clerk shall forthwith so notify the Mayor, the City Council, and the Collector-Treasurer. Upon receipt of such notification the Collector-Treasurer shall strike from the payroll the name of any such officer and shall cause no further payments of salary or other compensation to be made thereto. No person deemed disqualified hereunder shall be appointed or elected to any office subject to the provisions of this section for a period of one year next after the date he becomes disqualified unless he shall before the date of such election or appointment have become both a resident and a registered voter of the City of Boston. This section shall not apply to any person in office on the date of the adoption of this section; provided, however, that this section shall apply to any such person upon the expiration of his current term of office whether or not his successor shall have been appointed or elected; and provided, further, that this section shall apply to any such person who shall be

appointed or elected to another office to which this section applies upon the date of his acceptance of such other office. Those provisions of this section which require that an officer be a registered voter shall not apply to any person who is by law ineligible to vote if such person shall certify to the City Clerk his ineligibility and the reason therefor.

(Rev. Ord. 1961 c. 3; Ord. 1973 c. 7; Ord. 1974 c. 11; CBC 1975 Ord. T5 § 101)

5-5.3 Residency Requirement.

Every person first employed by the City of Boston on or after July 1, 1976, shall be a resident of the City of Boston, and shall not cease to be a resident of the City of Boston during his employment by the City. For the purposes of this ordinance, an employee shall be any person receiving monies from the City subject to withholding taxes by the State or Federal Government, except principal employees and officers subject to the provisions of subsection 5-5.2 hereof.

All persons promoted by the City on or after July 1, 1976, shall be, or within one year of such promotion become, a resident of the City as defined herein. Failure to do so shall be determined to be a voluntary termination of employment.

Upon taking employment with the City, and annually on February first thereafter, every person subject to this section shall file with his or her Department head, or like officer, a certificate, signed under the pains and penalties of perjury, stating his or her name, and place of residence. Upon receipt of a certificate indicating a place or residence not within the City of Boston, or if no such certificate is filed, the Department head or like officer shall forthwith strike the name of the employee from the payroll, that person shall cease to be employed by the City, and the Department head or like officer shall give notice of his action to the City Clerk, who shall transmit the same to the City Council, the Mayor, and the Collector-Treasurer. No person so stricken from a payroll, shall be reemployed by the City for a period of one year following the cessation of his or her employment.

Any person, acting in behalf of the City who makes payment of wages to any person stricken from a payroll under the provisions hereof, within one year of the date of striking, and any person accepting such payment, shall be punished by a fine of two (\$2.00) dollars for each dollar so paid or accepted.

To the extent permitted by Chapter 31 of the General Laws, every examination held to establish a Civil Service list for employment by the City of Boston shall be restricted to City of Boston residents.

In the event that this section shall be deemed to be in conflict with a provision of any general or special law, the provision of that general or special law shall govern, and shall not defeat the application of this ordinance with respect to any position not governed by that law.

In the event that the Mayor, with the approval of the City Council, determines it to be in the best interest of the public to do so, the provisions hereof may be waived with respect to a particular person or position, and such waiver shall not act to defeat the application of this section to every other person or position.

The provisions hereof are severable, and the action of any court of competent jurisdiction in declaring any part or portion hereof invalid, shall not act to defeat any remaining part or portion hereof, and any such action declaring this section invalid with respect to any position or person shall not be held to apply to any other person or position.

In construing this ordinance, residence shall be the actual principal residence of the individual, where he or she normally eats and sleeps and maintains his or her normal personal and household effects. This ordinance shall be deemed to affect both Civil Service and non-Civil Service employees of the City.
(Ord. 1976 c. 9)

5-5.4 Selection Process for Applicant for Provisional or Temporary Positions.

a. No appointment on a provisional or temporary basis made to any position in a City or County agency, Department or Commission or in any agency funded to the extent of fifty (50%) percent or more by funds whose expenditure by law requires approval of the City Council, unless such appointment is made in compliance with one of the three (3) ensuing lettered paragraphs.

1. The position is filled by appointment from a duly certified Civil Service list of eligible candidates for the position established under the provisions of Chapter 31 of the General Laws of Massachusetts.

2. The position is filled by the Office of Personnel within the Administrative Services Department in the following manner:

(a) An advertisement inviting applications of such positions shall be placed on one of the first six (6) pages in at least two (2) daily newspapers of general circulation in the City of Boston thirty (30) days prior to the closing date for accepting such applications, setting forth a period of not less than four (4) weeks during which applications will be accepted, the closing date for acceptance of applications; a job description; the specific educational and prior work experience, including experience in a permanent position within the department agency, if any, actually needed in order to successfully perform the work; the office within City or County government to which applications or inquiries may be made during regular business hours; the proposed salary of such position; and all other information reasonably relevant to prospective applicant, including the number of appointments to be made to that position if more than one.

(b) Applicants for such positions in City service shall, at the time of application, reside within the City of Boston, and applicants for such position in County service shall reside within Suffolk County at the time of application.

(c) Upon expiration of the application period, the names of all persons meeting such eligibility requirements shall be inscribed on individual pieces of paper which shall be folded twice and placed in suitable container by the Supervisor of Personnel or his designee; at a public place to which all such eligible applicants shall be invited, such supervisor or his designee then publicly shall draw out the pieces of paper individually and announce the names in the order in which they are drawn, and shall thereby establish the priority order in filling such position or positions.

(d) The Supervisor of Personnel shall present to the Mayor, the City Council, and the Auditor, within fifteen (15) days after the completion of each such drawing, a copy of the list of the names so drawn for such position or positions containing a statement sworn before a notary public and signed by him or his designee, that the procedures set forth in this paragraph b. were followed in establishing such list.

(e) Persons appointed through the eligibility and drawing process to positions on a quarterly or semi-annual basis may have reappointment pending preparation of a qualifying examination for Civil Service tenure in the position, but such employee shall not serve more than a year in total on a provisional basis.

(f) If several different positions are to be filled on a provisional basis, the Supervisor of Personnel may cause them to be listed in a single, comprehensive advertisement as long as particulars enumerated above are clearly set forth for each position.

3. No such position shall be filled in any such agency except in accordance with this ordinance unless otherwise expressly provided by ordinance.
(Ord. 1977 c 8; Ord. 1979 c. 16 § 1)

b. This subsection shall not prohibit the reappointment of any person to the provisional or temporary position held by such person on the effective date of this subsection.* (Ord. 1979 c. 16 § 2)

*(The effective date of this subsection is May 16, 1979)

5-5.5 Suspension of Employees; Order of Suspension.

In the event that employees of the City of Boston are to be laid-off or temporarily suspended from employment, employees who are residents of the City of Boston, as defined in subsection 5-5.3, shall be laid-off or temporarily suspended last and those employees who are not residents of the City of Boston, as defined in subsection 5-5.3, shall be laid-off or temporarily suspended first.

Any person laid-off or temporarily suspended from employment by the City of Boston as prescribed above may be rehired, provided however, that those persons who are residents of the City of Boston, as defined in subsection 5-5.3, shall have priority with regard to rehire.

If the provisions of this ordinance are in conflict with a contractual agreement between the employer (City of Boston) and the employee or an organization recognized to represent said employee the provisions of the contractual agreement shall rule. The provisions of this ordinance shall be applicable to Civil Service personnel only to the extent permitted by Chapter 31 of the General Laws. (Ord. 1984 c. 11)

5-5.6 Bonds of Officers and Subordinates.

The Collector-Treasurer, Supervisor of Budgets, and the City Auditor, before, and the City Clerk, within five (5) days after, entering upon the duties of their respective offices and annually thereafter and at such other times as the Mayor shall determine, shall give bond to the City, in the case of the Collector-Treasurer, in the penal sum of five hundred thousand (\$500,000.00) dollars, in the case of the City Auditor, and the Supervisor of Budgets, in the penal sum of one hundred thousand (\$100,000.00) dollars, and in the case of the City Clerk, in the penal sum of five thousand (\$5,000.00) dollars.

Every bond given under this section shall be upon the condition that the person named therein as principal and all his subordinates shall, while he continues in office, by reappointment, re-election or otherwise, faithfully discharge their duties and trusts, and safely hold and lawfully dispose of and account for all money and other property belonging to the City or County which may come into his possession or that of his subordinates; and that he shall deliver, according to law, to his successor in office or such other person as may be authorized to receive the same all money and other property in his possession or that of his subordinates belonging to the City or County. Every bond given under this section shall be executed by a surety company authorized to transact business in Massachusetts as surety, shall be approved by the Mayor, and shall be filed with the City Auditor except that the bond of the City Auditor shall be filed with the Collector-Treasurer. (Ord. 1954 c. 2 § 6; Rev. Ord. 1961 c. 3 § 2; CBC 1975 Ord. T5 § 102; Ord. 1979 c. 23)

Cross Reference: Ord. ss 6-3.4; CBC 1975 Ord. T6 § 1, 153.

5-5.7 Personal Liability of Auditor and/or Collector-Treasurer.

In the event City funds are expended, with the approval of the City Auditor and/or Collector-Treasurer, in a manner contrary to the provisions of a City ordinance and such Auditor and/or Collector-Treasurer knows such expenditure to be in contravention of such ordinance, such Auditor and/or Collector-Treasurer shall be held personally liable in his individual capacity for any such City expenditure; and the Corporation Counsel shall bring civil action against the person of such Auditor and/or Collector-Treasurer to recover any funds so

expended for the City; in the event the Corporation Counsel fails or refuses to so proceed against such Auditor and/or Collector-Treasurer the City Council may retain special counsel to so proceed.

(Ord. 1979 c. 19)

5-5.8 Bonds Not Required by Statute or Ordinance.

Every person intrusted with the collection, custody or disbursement of public moneys who is not required by statute or other ordinance to give bond shall, if the officer appointing him so requires, give before entering upon the duties of his office or position and annually thereafter and at such other times as such officer shall determine, a bond running to the City or, if such officer is bonded to the City upon the condition set forth in subsection 5-5.6, to such officer, in such penal sum not exceeding twenty thousand (\$20,000.00) dollars, with such surety, and upon such condition as such officer shall prescribe. Every bond given under this section running to the City shall be filed with the City Auditor.

(Ord. 1954 c. 2 § 6; Rev. Ord. 1961 c. 3 § 3; CBC 1975 T5 § 103)

Cross Reference: Ord. ss 6-1.2.

5-5.9 Allowance of Premium as Expense.

The premium for the surety upon any bond given under subsection 5-5.6 or subsection 5-5.8 of this chapter or subsection 6-3.4 shall be allowed and paid as an expense of the Department of which the principal on the bond is an officer or employee.

(Ord. 1954 c. 2 § 6; Rev. Ord. 1961 c. 3 § 4; CBC 1975 T5 § 104)

Cross Reference: CBC 1975, ss 6-3.4.

5-5.10 Salary Categories for Certain Offices.

Holders of the following offices shall receive such annual salary as shall be fixed by the Mayor within the limits set out below for the category in which said office is placed. In fixing such salary, the Mayor shall consider the salaries paid equivalent offices by comparable governmental units elsewhere in the United States and the salary necessary to attract or retain competent individuals in the City's service. Such salary shall, except as otherwise provided by statute or ordinance, be in full for all services rendered to the City and County, shall be apportionable in the event of service for only part of the year, and shall be subject to deduction for any and all sums due to the City or County from such office holder:

a. Category I shall include the Director of Administrative Services, the City Auditor, the Collector-Treasurer, the Corporation Counsel, the Fire Commissioner, the Commissioner of Inspectional Services, the Commissioner of Public Works, and the Police Commissioner, who shall receive as salary not less than forty-five thousand (\$45,000.00) dollars nor more than sixty thousand (\$60,000.00) dollars.

b. Category II shall include: the Commissioner of Assessing, the City Clerk, the Commissioner of Parks and Recreation, the Deputy Commissioner of Parks and Recreation, the Commissioner of Traffic and Parking, the Commissioner of Federally Funded Agencies, and the Commissioner of Neighborhood and Human Services, who shall receive as salary not less than forty thousand (\$40,000.00) dollars nor more than fifty thousand (\$50,000.00) dollars.

c. Category III shall include: the Deputy Director of Administrative Services for Fiscal Affairs, the Supervisor of Budgets, the Supervisor of Labor Relations, the Supervisor of Personnel, the Purchasing Agent, the Building Commissioner, the Commissioner of Housing Inspection, the Penal Institutions Commissioner, the Executive Director of the Youth Activities Commission, the Commissioner of Real Property, and the Associate Commissioner of Federally Funded Agencies, who shall receive as salary not less than thirty thousand (\$30,000.00) dollars nor more than forty thousand (\$40,000.00) dollars.

d. Category IV shall include: the two (2) Associate Commissioners of Assessing, the Chairman of the Board of Election Commissioners, the Assistant Commissioner of Housing Inspection, the Assistant Commissioner of Real Property, the Commissioner on Affairs of the Elderly, and the Veterans Benefits and Services Commissioner, who shall receive as salary not less than twenty-five thousand (\$25,000.00) dollars nor more than thirty-five thousand (\$35,000.00) dollars.

e. Category V shall include: The Chairman and members of the Board of Review in the Assessing Department, and the three (3) members of the Board of Election Commissioners, who shall receive as salary not less than twenty thousand (\$20,000.00) dollars nor more than thirty thousand (\$30,000.00) dollars.

Persons holding the offices mentioned above shall devote their entire time during ordinary business hours to their respective duties. No person holding such an office or serving in such an office on an acting or temporary basis shall receive compensation in the form of overtime. The Mayor may appoint persons to positions not enumerated in categories herein, provided, however, that the department or agency into which the person is appointed lawfully exists at the effective date of this ordinance or is duly established by statute hereafter by the Legislature or by ordinance in accordance with CBC St. 2 § 752, and provided further that the assignment of the position to one of the categories enumerated herein will be made by ordinance, and no position shall be transferred from category to category except by ordinance;

Each member of the Board of Appeal in the Building Department shall receive for every day or part thereof of actual service one hundred (\$100.00) dollars; but in no event shall any member of said Board receive in any one year more than twelve thousand (\$12,000.00) dollars in the aggregate for services rendered by him under the Building Code and the Zoning Law. Each member of the Board of

Examiners in the Building Department shall receive for every day or part thereof of actual service seventy-five (\$75.00) dollars, but in no event more than seventy-five hundred (\$7,500.00) dollars in any one year.

The person in the service of the Real Estate Appraisal Division of the Assessing Department serving **ex officio** on the Board of Review in said Department shall, while so serving, receive as compensation for his services as Chairman and a member of said Board, in addition to the compensation for his regular service in said Division, the amount, if any, by which such compensation is exceeded by the maximum compensation for an office allocated to Grade No. R-20 of the compensation plan from time to time in effect for the County; and the person in the service of the Statistical Research Division of said Department serving **ex officio** on said Board shall, while so serving, receive as compensation for his services on said Board, in addition to the compensation for his regular service in said Division, the amount, if any, by which such compensation is exceeded by the maximum compensation for an office allocated to Grade No. R-19 of such compensation plan.

The Deputy Assessors shall be compensated as if they held an office allocated to Grade No. R-19 of the compensation plan from time to time in effect for the County; Assistant Assessors lawfully required to devote at least thirty-five (35) hours a week to their work shall be compensated as if they held an office allocated to Grade No. R-15 of said compensation plan.

The Auctioneer in the Real Property Department shall be compensated as if he held a position allocated to Grade No. 30 of the compensation plan from time to time in effect for the County.

On and after July 1, 1979, persons holding titles connected with the Mayor's Office shall be compensated on an annual basis as follows:

Administrative Assistants, not to exceed seventeen thousand eight hundred thirty-six (\$17,836.00) dollars.

Secretaries, not to exceed fourteen thousand three hundred (\$14,300.00) dollars.

Stenographers, not to exceed thirteen thousand five hundred (\$13,500.00) dollars.

Telephone Operators, not to exceed twelve thousand five hundred (\$12,500.00) dollars.

Clerks, not to exceed eleven thousand (\$11,000.00) dollars.

Messengers, not to exceed ten thousand (\$10,000.00) dollars.
(Rev. Ord. 1961 (Sup. 1971) c. 3 § 5; Ord. 1972 c. 13; Ord. 1973 c. 5; Ord. 1974 c. 5; CBC 1975 Ord. T5 § 105; Ord. 1979 cs. 12, 20, 25; Ord. 1980 c. 11; Ord. 1982 cs. 13, 24, 25, 31; Ord. 1983 cs. 15, 16, 27; Ord. 1984 cs. 23, 24)

5-5.11 Provisions Regarding Holdovers.

The term "holdover" as used herein shall mean a person appointed by the Mayor pursuant to statute or ordinance, as head of a Department, Board, Agency, Commission, Authority, or Office, or as a member of any such Department, Board, Agency, Commission, Authority, or Office, for a term, the duration of which is fixed, including those who are subject to the provisions of Sections 9 through 14 of Chapter 486 of the Acts of 1909, as amended, and those subject to the provisions of Chapter 473 of the Acts of 1953, as these statutes have been amended and are now in force, who, having served the term, or initial term, provided by such statute or ordinance, is continuing to serve in the office or position to which appointed, during the pleasure of the Mayor, or is continuing to serve in the office or position to which appointed pending reappointment, or pending appointment and qualification of a successor.

Any person who is a holdover for sixty (60) days or more in compensated position, including those who are compensated on a per diem basis, shall be compensated while a holdover at the rate of one (\$1.00) dollar per year, apportioned for length of service and such compensation shall be in full for all services rendered to the City and County, notwithstanding the existence of any ordinance (including without limiting the generality of the foregoing, subsection 5-5.10 and subsection 5-5.13). This section shall not apply to an office or position occupied by a holdover in an office or position which is subject to confirmation by the City Council if the Mayor has transmitted the appointment to the City Council and the Council has failed to act thereon.

(Ord. 1978 c.2)

5-5.12 County Officers.

The officers of the County of Suffolk shall be paid the salaries and allowances provided by law.

(Rev. Ord. 1961 c. 3 § 6; CBC 1975 Ord. T5 § 106)

5-5.13 Temporary Officers.

Every officer temporarily holding, or performing the duties of, more than one office shall receive the salary for the highest paid of such offices, provided, however, that any officer permanently holding an office compensated for overtime, who is appointed temporarily to an office established in subsection 5-5.10 shall not during that appointment be eligible to receive overtime in either office.

(Rev. Ord. 1961 c. 3 § 7; CBC 1975 Ord. T5 § 107; Ord. 1980 c. 11)

5-5.14 Vacation and Other Absence.

Every officer in charge of a Department receiving a salary from the City shall be entitled to a vacation of two (2) weeks, without loss of pay, during each year of

service, and the Mayor may grant additional leave of absence, with or without loss of pay, to such officer.

(R.O. 1885 c. 4 § 4; Rev. Ord. 1961 c. 3 § 8; CBC 1975 Ord. T5 § 108)

5-5.15 Boards to Organize First Monday of May.

Every Board shall, unless otherwise provided, organize on the first Monday in May annually by the choice of one of its members as Chairman, and by the choice of a secretary, who shall be sworn to the faithful discharge of his duties.

(Rev. Ord. 1961 c. 3 § 9; CBC 1975 Ord. T5 § 109)

5-5.16 Office Hours.

Except as otherwise ordered by the Mayor under subsection 2-7.10, the Collector-Treasurer shall daily have an office open for the receipt and disbursement of money from 9:00 a.m. until 2:00 p.m. and every other officer in charge of a Department shall daily have an office open for the transaction of public business for not less than eight (8) hours; provided, however, that every public office in the City shall remain closed on all Sundays and legal holidays and may remain closed on all Saturdays, except that the Board of Health and Hospitals shall have an office open for the issuance of burial permits and permits for the removal of dead bodies from 10:00 a.m. until 12:00 noon on every day in the year.

(Ord. 1954 c. 2 § 9; Ord. 1968 c. 14 § 3; Rev. Ord. 1961 (Sup. 1971) c. 3 § 10; CBC 1975 Ord. T5 § 110)

Cross References: Ord. ss 2-7.10; Ord. ss 6-3.5

5-5.17 Records of Acts and Doings of Departments.

Every officer in charge of a Department shall keep records of the acts and doings of the Department, in books kept specially for the purpose, including a book in which he shall record all contracts, and all changes and alterations made in contracts or specifications, for work and materials furnished for his Department, and shall keep files of its papers, and a book showing the property belonging to or used by the Department, such book to be corrected at the beginning of each financial year. The records of the proceedings of every board shall be made by the secretary upon the day of the meeting, shall state the names of the members present, and shall be read and submitted for approval at the next meeting.

(Rev. Ord. 1961 c. 3 § 11; CBC 1975 Ord. T5 § 111)

5-5.18 Employment, Compensation, and Tenure of Subordinates.

Every officer in charge of a Department shall to the best of his ability cause all statutes, ordinances, regulations, and orders relating to the duties of his Department to be observed and enforced, and subject to the Civil Service laws and rules, when applicable, shall employ, fix the compensation of, and may discharge

for such cause as he shall deem sufficient and cause to be recorded in the records of his Department, all subordinates in this Department; [provided, however, that none but citizens shall be employed in any capacity except that alien physicians and nurses may be employed in a hospital or other health care institution under the charge of the Board of Health and Hospitals;]¹ and provided, further, that no emergency, provisional, temporary, intermittent, permanent or other appointment, transfer or promotion nor any reinstatement except upon the expiration of a suspension or a valid leave of absence, nor any increase in the compensation, nor any change in the title or rating, of any subordinate shall take effect until approved in writing by the Director of Administrative Services except in cases where the Mayor by a writing orders otherwise. The Director of Administrative Services shall file each day with the Mayor a copy of all approvals given by him on the preceding day under this section.

(Ord. 1953 c. 8 § 5; Ord. 1969 c. 5; Ord. 1972 c. 20 § 2; Rev. Ord. 1961 (Sup. 1971) c. 3 § 12; CBC 1975 Ord. T5 § 112)

5-5.19 Reimbursement of Legal Expenses to City Employees Incurred Within the Scope of Employment.

a. No City employee shall be represented by the Corporation Counsel nor shall any City agency make any payment for legal services to such City employee, except in matters arising within the scope of the employee's duties as a City employee.

b. No City agency shall make any payment for legal services rendered to a City employee by private counsel in connection with any criminal or administrative proceeding or investigation arising from an alleged violation of the law by such employee; provided that if such employee is fully exonerated or such proceedings or investigation is terminated without findings or action against such employee, and the matter arose within the scope of the employee's duties as a City employee, the cost of such legal services may be reimbursed by the City upon approval of the Corporation Counsel.

c. This section shall not apply to employees of law enforcement Departments within the City of Boston and/or Suffolk County.

d. Any employee who seeks payment from the City for legal expenses incurred in a criminal matter shall post a bond equal to the amount of the payments or shall offer collateral sufficient to secure the amount of the payments made by the City. This is to ensure that the City can recover the amount it has paid for legal services should the employee not be fully exonerated.

(Ord. 1982 c. 34 § 1-4)

¹The bracketed portion is unconstitutional. *Sugarman v. Dougall*, _____ U.S. _____; 93 S.Ct. 2842 (1973)

5-5.20 The City's Policy with Respect to Paternity/Maternity Leave.

a. Any employee of the City of Boston who has completed three (3) consecutive months of municipal service shall be entitled to a maternity/paternity leave of eight (8) weeks, or a shorter period of time at the employee's discretion. The employee shall, where possible, give at least two (2) weeks' notice to her/his Department head, requesting maternity/paternity leave.

Maternity leave and paternity leave shall be taken without compensation but the employee's right to receive vacation time, sick leave, bonuses, advancement, seniority, length of service credit, benefits, plans or programs for which she or he was eligible at the time of such leave, and any other advantages or rights of employment incident to her or his employment position shall be preserved.

b. The employee may, upon two (2) weeks' or more notice, request through her/his Department head, an extended unpaid leave of absence beyond the entitled eight (8) weeks, for a period not exceeding one (1) year following the birth of the child. The Department head and Supervisor of Personnel shall determine the length of the leave of absence to be accorded the employee.

During the employee's extended period of unpaid leave, the employee shall not be eligible for fringe benefits accruing from municipal service, including subsidized premiums on group health, insurance coverage or service time credit in her/his position for retirement purposes.

c. Any male employee seeking paternity leave shall, where possible, give at least two (2) weeks' notice in writing to his Department head requesting leave. Such notice shall contain a statement as to the need of and length of time requested for paternity leave and shall be accompanied by a letter from a physician, clergyman, social worker or other authority knowledgeable of the family situation, stating that the father's presence in the period following the birth of his child is essential for the well-being of the mother, other children in the household or tranquility of the family.

The Department head and Supervisor of Personnel shall determine the length of extended unpaid paternity leave to be granted beyond the entitled eight (8) weeks; the total length of extended paternity leave should not exceed one (1) year.

d. If any of the provisions hereof conflict with a collective bargaining agreement offering greater benefits to an employee, the terms of that agreement shall govern. (Ord. 1984 c. 36)

5-5.21 To Expend Gifts as Directed.

Every officer in charge of a Department shall expend any contribution, payment, gift, devise or bequest in accordance with the directions attached thereto.

(Rev. Ord. 1961 c. 3 § 13; CBC 1975 Ord. T5 § 113)

5-5.22 Personal Property Not Required by Department.

If the officer in charge of any Department shall at any time have the care, custody and management of any personal property belonging to the City which is not required for the purposes of such Department, he shall by a writing executed in triplicate, one copy of which shall be retained by him, one copy filed with the City Auditor and one copy delivered to the Purchasing Agent transfer the care, custody and management of such personal property to the Purchasing Agent, who, if such personal property is required for the purposes of another department, shall by a writing executed in like manner transfer the care, custody and management thereof to the officer in charge of such department and, if such personal property is not so required and he estimates the value thereof not to exceed five hundred (\$500.00) dollars, may, with the written approval of the Mayor lease, sell or otherwise dispose of same at such time, for such price and in such manner as he shall adjudge most advantageous to the City.

(Ord. 1953 c. 8 § 6; Rev. Ord. 1961 c. 3 § 14; CBC 1975 Ord. T5 § 114)

5-5.23 Inspection and Certificate by Weigher.

Every officer, except the Commissioner of Public Works, when contracting for, or accepting delivery of, fuel, or stone, gravel, sand, or ballast from a vessel, shall require that it be weighed and inspected by a duly authorized weigher or measurer, and that the bill therefor shall be accompanied by the certificate of such weigher or measurer.

(Ord. 1954 c. 2 § 10; Rev. Ord. 1961 c. 3 § 15; CBC 1975 Ord. T5 § 115)

5-5.24 Printing and Office Supplies.

The Board in charge of the Library Department may, and the officer in charge of every other Department shall, when material or supplies of any kind, including printing and binding, are required, obtain the same from the Purchasing Agent by requisition in writing on forms furnished by said agent, who shall cause to be included in the annual report of the Administrative Services Board a statement of the cost of all printing, binding and other material and supplies furnished each Department.

(Ord. 1953 c. 8 § 7; Rev. Ord. 1961 c. 3 § 16; CBC 1975 Ord. T5 § 116)

5-5.25 Settlement of Claims.

Every officer in charge of a Department shall immediately make a report in writing to the Law Department whenever any transaction, act or negligence of the Department in his charge occurs which results in, or may occasion the bringing of, a claim against the City. All claims against the City or any Department thereof shall be transmitted to the City Clerk for reference to the Corporation Counsel,

who, by himself or his assistants, shall make an investigation of the claim, and for this purpose shall be furnished, on request, with all necessary departmental books, papers or records, and may require any official or employee of a department who may have information concerning such claims to attend any hearing thereon. The Corporation Counsel shall have authority to settle any such claim, subject to the approval of the Mayor. However, no such settlement shall be made for an amount exceeding five hundred (\$500.00) dollars.

Nothing herein contained shall affect the provisions of these ordinances respecting the settlement of claims upon which suits have been entered.

(Ord. 1866 c. 2; Ord. 1914 c. 5; Rev. Ord. 1961 c. 3 § 17; CBC 1975 Ord. T5 § 117; Ord. 1980 c. 1)

Cross References: Ord. ss 5-8.1; Ord. ss 6-1.6.

5-5.26 Fees, Etc., Received for Services.

Every officer or employee receiving a salary from the City, who receives for his services as such officer or employee any other salary, or any fees, charges, or commission, shall pay such other salary, fees, charges, and commissions into the City Treasury, as the property of the City, provided, however, that this provision shall not apply to the fees received by the City Clerk under Chapter 131 of the General Laws or Acts in amendment or addition thereto; and any officer or employee through whom, or for whose supplies, sales, or services as such officer or employee, or for any notes, securities, leases, or other agreements in his custody, payments are due or to be made to the City, or to him for the City, shall keep suitable books and accounts of all such dues and payments, and shall, unless otherwise specially provided by law, on or before the fifth day of every month send to the Auditor a statement of the total amount of such payments made to him, or which have become due since the date of the last statements or which will become due within a month from said day, and deliver to the Collector-Treasurer all such money paid to him, and bills of such dues and, unless authorized to the contrary by the Collector-Treasurer, shall furnish therewith, in suitable books with proper details, alphabetical lists by wards of such moneys and bills, with the columns and figures added and carried forward continuously to the end of the lists.

(R.O. 1885 c. 15 § 7; Ord. 1954 c. 2 § 11; Rev. Ord. 1961 c. 3 § 18; CBC 1975 T5 § 118)

Cross References: Ord. ss 2-8.1; Ord. ss 6-3.1; G.L. c. 131.

5-5.27 Bills and Demands Sent to Auditor.

Every person selling any goods to, doing any work for, or rendering any services to, the City of Boston or the County of Suffolk, shall submit his bill or demand for the same to the City Auditor in such form as said Auditor may require. The Board or Officer contracting for such work, goods or services shall certify to the City

Auditor, at such time and in such form as said Auditor may require, that such work has been done, goods delivered, or services rendered, as the case may be, and that payment therefor, in a specified amount, should be made. This section shall not apply to the payment of the salary or wages of any officer or employee.

Effective July 1, 1980, every bill rendered by vendors or contractors to the City of Boston or County of Suffolk for payment for goods, services, provisions or other articles supplied in quantity shall clearly itemize the number and unit cost on the statement submitted for payment and shall separately itemize additional charges, gratuities, taxes, etc., which are properly to be included in the total sum requested. If such sum is to be reduced by discount or other allowances, these shall clearly be listed and applied as adjustment.

This ordinance shall apply to all services, goods and provisions, including those supplied by food catering services, and obtained through purchase orders, service orders or payments against contractual reserves in any budget of City agencies and agencies funded wholly or in part by Federal funds or State funds.

(Ord. 1949 c. 9 § 1; Rev. Ord. 1961 c. 3 § 19; CBC 1975 Ord. T5 § 119; Ord. 1980 c. 10)

Cross Reference: Ord. ss 6-1.3; ss 6-1.4.

5-5.28 Certification by City Auditor.

No officer in charge of a Department shall incur any obligation payable from the treasury of the City unless the City Auditor shall have certified on the document intended to evidence such obligation that an appropriation in the amount of such obligation is available therefor, and no contract, purchase order, or service order shall be deemed to have been made until the City Auditor shall have so certified.

(Rev. Ord. 1961 c. 3; Ord. 1972 c. 11 § 1; CBC 1975 Ord. T5 § 120)

Cross Reference: Ord. ss 6-1.1; ss 6-3.5.

5-5.29 Pay Rolls.

The pay rolls of all Departments, Divisions, Offices and Bureaus of the City of Boston and County of Suffolk shall be prepared on forms furnished by the Auditing Department and shall be certified, approved, audited and paid in conformity with the system and procedure established from time to time by the City Auditor.

(Ord. 1945 c 12; Rev. Ord. 1961 c. 3 § 20; CBC 1975 Ord. T5 § 121)

Cross Reference: Ord. ss 6-1.3.

5-5.30 Conditions in License of Permits.

Every officer in charge of a Department issuing a license or permit shall insert therein a condition that the person accepting the same shall conform to the

statutes and ordinances and the specifications in the license or permit; that the license or permit may be revoked at any time by the authority issuing it; that the violation of any of its specifications shall work an immediate revocation of the license or permit; and that such person shall indemnify and save harmless the City from any damage it may sustain, or be required to pay, by reason of the doing of the work licensed or permitted, or by reason of any act or neglect of himself or of any of his employees relating to such work, or by reason of any violation of any specifications; provided that nothing herein contained shall be construed to prevent the insertion of any other specifications deemed advisable by the authority issuing such license or permit.

(R.O. 1890 c. 3 § 21; Rev. Ord. 1961 c. 3 § 21; CBC 1975 Ord. T5 § 122)

Cross References: Ord. ss 11-6.11; Ord. Chapters XIV, XVI, XVII, XVIII of the City of Boston Code Ordinances.

5-5.31 Subordinate Acting Temporarily for Officer.

Any officer may, with the approval of the Mayor, by a writing deposited with the City Auditor, or in the case of the City Auditor with the Collector-Treasurer, designate a subordinate, who shall, for such time, not exceeding four (4) weeks from the date of such designation, as shall be specified in the writing, be authorized to perform the duties required of such officer, and for the acts of such subordinate such officer shall be responsible.

(Ord. 1953 c. 8 § 8; Ord. 1954 c. 2 § 11; Rev. Ord. 1961 c. 3 § 22; CBC 1975 Ord. T5 § 123)

Cross Reference: Ord. ss 6-1.1; ss 6-3.4.

5-5.32 Mandatory Referral of Capital Improvements.

Every Board and Officer of the City and of the County of Suffolk having power to incur, in carrying on the work of the Department, Office or undertaking entrusted to it or him, obligations payable from the Treasury of the City, shall submit to the Boston Redevelopment Authority on or before October first in each year a list of all capital improvements proposed to be made in carrying on the work of such Department, Office or undertaking in the six (6) succeeding years; and no such Board or Officer shall request the Mayor to originate any appropriation or loan order for any capital improvements unless within the preceding six (6) months such Board or Officer has referred such capital improvement to the Boston Development Authority and requested said authority to report specifically upon such capital improvement and accompanies the request to the Mayor with the report of said Authority thereon or certifies that said Authority was duly requested to report specifically on such capital improvement but has allowed two (2) months to elapse without making such report. As used in this section, the term "capital improvement" shall be construed to mean an acquisition, improvement,

construction or installation for which the City is authorized to incur debt for a period of ten (10) years or more.

(St. 1960 c. 652 § 12; Ord. 1952 c. 4; Rev. Ord. 1961 c. 3 § 23; CBC 1975 Ord. T5 § 124)

5-5.33 Estimates of Appropriations and Income.

Every officer in charge of a Department shall annually, on or before the first day of November, send to the Mayor an estimate in detail of the appropriations required for such Department for the next financial year, and an estimate of the income of such Department during said year.

Department and Agency heads and employees of the Budget Division of the Administrative Services Department, when testifying before the City Council or a Committee thereof concerning an appropriate order pending before the Council in accordance with CBC St. T. 6, S 251, or a loan order or an order approving the expenditure of funds received from the State or Federal governments, shall do so under oath and subject to the penalties of perjury in accordance with the procedure set forth in Massachusetts General Laws, Chapter 233, Section 8, and such testimony shall be recorded by a stenographer, excepting when the Council or a Committee to which the examination of any Department or Agency budget is assigned by express vote authorizes the dispensation of said requirement for sworn testimony and stenographic record.

(Rev. Ord. 1961 c. 3 § 25; CBC 1975 Ord. T5 § 125; Ord. 1980 c. 15)

Cross Reference: Ord. ss 6-1.8.

5-5.34 Annual Reports of Departments.

Every officer in charge of a Department shall within thirty (30) days after the close of the financial year transmit to the Mayor a report containing a statement of the acts and doings, and receipts and expenditures, of the Department for such financial year, together with such other matters as may be required by law, or as the Mayor or officer may deem to be of public interest. Every Board within a Department not subject to the supervision or control of the officer in charge of the Department shall make an annual report containing a statement of its acts and doings and such other matters as may be required by law or as it or the Mayor may deem to be of public interest, which report shall be annexed by the officer in charge of the Department as an appendix to his annual report.

(Ord. 1954 c. 2 § 12; Rev. Ord. 1961 c. 3 § 25; CBC 1975 Ord. T5 § 126)

Cross References: Ord. ss 6-1.8; Ord. ss 11-1.1; Ord. ss 12-3.2.

5-5.35 Notice of Illness of Inmates of Public Institutions.

Every Officer or Board in charge of a public institution shall, in case of serious illness of any inmate of such institution, notify or cause to be notified, promptly, the nearest relatives or friends of such inmate.

(Ord. 1900 c. 3; Rev. Ord. 1961 c. 3 § 27; CBC 1975 Ord. T5 § 127)

Cross Reference: Ord. ss 12-8.3.

5-5.36 Equal Opportunity Policy.

No Officer of the City shall deny to any person access to opportunity, including without limitation employment, educational, and recreational opportunity, solely by reason of sex. It shall be the policy of the City to afford to every person equal access to opportunity, including without limitation employment, educational and recreational opportunity.

(Ord. 1974 c. 4; CBC 1975 Ord. T5 § 128)

5-5.37 Public Access to Computerized Information.

Notwithstanding any ordinance to the contrary, all information gathered for or stored in computerized, data processing, "mini computers", punch card data banks, or any other retrieval systems operated, leased or owned by any City agency shall be considered as public records under the law. This ordinance shall apply to operations in Little City Halls and every City Agency financed in part or whole with Federal funds.

This ordinance shall apply to information in the aforesaid systems relating to City agencies, whether stored centrally, in a network informational system, or a data bank located any distance outside Boston. Upon the written request of any citizen, City agency, or news media representative, information shall be produced within a reasonable time for inspection and a record copy issued at cost. Nothing herein shall be construed to create a right in other than the City agency owning or operating said data bank to request information through other than an existing City-owned or leased computer program or to reprogram said computer system.

This ordinance shall not apply to any data or information exempt from disclosure by State or Federal law or rule of court and is subject to the provisions of G.L. Chapter 66A or any similar Federal Law.

(Ord. 1979 c. 9)

5-5.38 Public Information Officer; Prohibition of.

On or after July 1, 1980, no person shall be paid from City of Boston funds, no matter the source, for public relations or public information purposes, unless the person receiving such payment is employed by the City in accordance with Chapter

31 of the General Laws as a public information officer, or as an employee under the supervision of such an officer; nor shall any person be employed as a public information officer unless a specific appropriation has first been made for such position by order of the City Council. Public information officers so employed shall receive an annual salary of not less than fifteen thousand (\$15,000.00) dollars nor more than twenty thousand (\$20,000.00) dollars.

(Ord. 1980 c. 4)

5-6 PENSIONS, RETIREMENT ALLOWANCES AND ANNUITIES.

5-6.1 Pension Reserve Fund.

In order to provide reserves that may be used to offset the anticipated future costs of funding the contributory retirement systems of the City of Boston, the City Council by majority vote, upon the request of the Mayor, may appropriate in any fiscal year an amount or amounts in the aggregate in any one year not exceeding five (5%) percent of the real and personal property tax levy of the next preceding fiscal year. All amounts so appropriated shall be credited to the Pension Reserve Fund established hereby (the "fund") of the system provided for in Section 22 of the pension act. Notwithstanding the foregoing, the aggregate amount of deposit in such fund at any time shall not exceed ten (10%) percent of the equalized valuation of the City, as defined in Section 1 of Chapter 44 of the General Laws, as last determined in accordance with law.

(Ord. 1984 c. 1)

5-6.2 Allocation of the Fund.

Except as hereinafter provided, amounts appropriated to the fund shall be applied as provided herein, in the pension act and in the funding act, to meet expected future pension costs payable with respect to all employees of the City. The City Council with the approval of the Mayor may designate by order all or any portion of the amount appropriated to meet expected future pension costs payable with respect to employees of particular Departments, Commissions, Agencies, Boards, or distinctive parts or units thereof (hereinafter, collectively, "Departments" or "Department") of the City; provided that no amount so specifically designated for a particular Department in any year shall exceed the amount reasonably expected to be received in that year on account of fees, charges, payments-in-aid or other departmental revenues relating to the activities of or services provided by that Department, nor shall the amount so specifically designated for any year for any particular department exceed the sum of the amounts (determined in accordance with recognized actuarial methods) which are (a) normal pension costs on an accrual basis for that year for the employees of that Department,

including, if so provided in the order, an allocation relating to such employees of other Departments as provide overhead, support or ancillary service to the Department, in proportion such other Department provides service to the Department who are members of the system and (b) the annual amount required to amortize in not less than twenty (20) years the unfunded past service liability attributable to such employees of that Department, or such other Departments.

(Ord. 1984 c. 1)

5-6.3 Use and Maintenance of the Fund.

As provided in the funding act, all sums appropriated to the fund shall be appropriated and used only for the purpose of offsetting the anticipated future cost of funding the contributory retirement systems of the City. Separate sub-accounts shall be maintained in the fund for each Department for which appropriations have been specially designated and the Collector-Treasurer shall maintain all monies so specially designated in the sub-account established therefor. The Collector-Treasurer shall maintain all other monies appropriated hereunder in a general account within the fund.

(Ord. 1984 c. 1)

5-6.4 Custody of the Fund.

The Collector-Treasurer may enter into one or more custodial arrangements for safekeeping and investment, in whole or in part, of the fund with one or more banks or trust companies the principal offices of which are located in the City. Amounts in the fund shall be deposited and invested, at the direction of the Collector-Treasurer, as provided in the pension act and the funding act. Interest and other investment earnings on any amounts appropriated to the fund shall be credited to the account or sub-account within the fund on which they are earned.

(Ord. 1984 c. 1)

5-6.5 Appropriation of Fund Monies.

Amounts appropriated to the fund in accordance with this ordinance, and interest and other income thereon, may be applied in any fiscal year, upon appropriation, to offset amounts certified by the Board of the system under the pension act, or any successor provision of law, as necessary to be paid for such fiscal year to the funds of the system; provided that no such appropriation from the fund or any account therein shall exceed the amount, certified by the Collector-Treasurer upon the advice of the City Auditor, of the pension liability for which the amount to be so appropriated was reserved.

(Ord. 1984 c. 1)

5-6.6 Fund Not to Vest, Etc.

This ordinance is not intended to, and shall not, create rights or entitlements of any kind in the establishment or funding of the fund, in amounts appropriated thereto or held therein in accordance with this ordinance, or in the disbursement or disposition of any such amounts, in favor of any member of the system or any other employee of the City. If the limitation on this ordinance stated in this section shall be ineffective as a result of any existing or future provision of law or any final judicial or administrative determination, this ordinance shall be void and all amounts theretofor appropriated to and then held in the fund in accordance with this ordinance, and all interest and other income thereon, shall be transferred without further appropriation to the general fund of the City.
(Ord. 1984 c. 1)

5-6.7 Construction.

This ordinance shall be liberally construed to further the purposes of the funding act and shall be deemed and construed to be supplemental and additional to, and not in derogation of, all powers conferred on the City by law.
(Ord. 1984 c. 1)

5-6.8 Custodial Accounts, Deposits.

In accordance with this ordinance, a separate subaccount shall be established and maintained in the fund into which shall be deposited and segregated all amounts on deposit on the effective date of this ordinance. All such amounts so deposited, and interest earnings thereon, are hereby designated in accordance with this ordinance to meet expected future pension costs payable with respect to employees of the department of health and hospitals. All actions of the collector-treasurer and the commissioner of health and hospitals heretofore taken in establishing such custodianship account, and the deposit therein during the fiscal year ended June 30, 1981, on account of pension costs of said department in the prior fiscal year of cash and securities in the amount of \$9,737,000 and the deposit therein during the fiscal year ended June 30, 1982, on account of pension costs of said department in the prior fiscal year of \$2,500,000, and the accumulation in said account of the interest earnings on such amounts, is hereby ratified and confirmed, and all such amounts shall be deemed, and are, transferred and appropriated as of their respective dates of deposit for the purposes of the fund and the sub-account therein designated for the department of health and hospitals. The collector-treasurer and the commissioner of health and hospitals are hereby authorized and directed to do all things and execute all instruments as may be required to transfer the aforesaid custodianship account to the fund and to establish it therein as a sub-account to be administered in accordance with the provisions of this ordinance.
(Ord. 1984 c. 1)

5-6.9 Severability.

Except for Section 5-6.6, inserted hereunder, the provisions of this ordinance are severable and if any provision hereof except said section shall be held invalid in any circumstances, such invalidity shall not affect any other provision or circumstance.

(Ord. 1984 c. 1)

5-7 BOSTON RETIREMENT BOARD.**5-7.1 Powers and Duties.**

The Boston Retirement Department shall be under the charge of the Boston Retirement Board, who shall exercise the powers and perform the duties provided by statute.

(St. 1922 c. 521; St. 1945 c. 658; Rev. Ord. 1961 c. 8 § 1; CBC 1975 Ord. T5 § 400)

5-8 LAW DEPARTMENT.**5-8.1 Corporation Counsel.**

The Law Department shall be under the charge of the Corporation Counsel, who shall furnish opinions on the law of any subject or question that may be submitted to him by the Mayor or the City Council and on any subject or question relating to the discharge of their or his official duties that may be submitted to him by the School Committee, by any Committee of the City Council, or by four (4) members of the City Council, or by any Officer in charge of a Department of the City government provided, however, that in the event the interests of the Mayor and Council appear to the Council to be divergent or in conflict, the Council may have the benefit of the services of special counsel; shall, on application, advise any officer or employee of the City on any question of law connected with the discharge of his official duties; shall, subject to the direction of the Mayor, or of any Committee of the City Council having charge of matters before the general court of the Commonwealth, appear by himself or assistants as Counsel for the City before the general court or before any committee thereof, when the interest or welfare of the City is directly or indirectly affected; shall draft and approve the form of all written contracts; shall by himself or by the City conveyancers examine all titles to real property which the City is to acquire, and furnish without charge all deeds or other legal papers necessary for the transfer of property to or from the City which the City is required by law, or has been accustomed, to so furnish; and shall audit all bills incurred by the Department; shall, subject to the direction of the Mayor, institute any suit or proceeding in behalf of the City which he shall

deem the interest of the City requires; shall by himself or by his assistants in the Law Department appear as Counsel in all suits, actions, or prosecutions which may involve the rights or interests of the City, and defend the officers of the City in suits against them for their official actions, or for the performance of their official duties, or when any estate, right, privilege, interest, ordinance, act, or direction of the City is brought in question; may take such steps, and incur such expenses, for the prosecution and defense of suits as he deems necessary; shall examine into the settlement of a claim when requested so to do by the Mayor or the head of any Department, and, if he deems such settlement advantageous to the City, shall approve the same; and may settle any suit against the City.

(Ord. June 18, 1827; Ord. April 2, 1866; Ord. March 25, 1882; Rev. Ord. 1961 c. 17 § 1; CBC 1975 Ord. T5 § 450; Ord. 1979 c. 14)

Cross References: Statutes, Title 3 §§ 1, 2; Statutes, Title 4 §§ 1, 8; Ord. ss 5-5.25; Ord. ss 11-7.6.

5-8.2 Prohibition.

No person connected with the Law Department shall, except as hereinbefore provided, appear in court in any case to which the City is not a party.

(Rev. Ord. 1961 c. 17 § 2; CBC 1975 Ord. T5 § 451)

5-9 BOSTON ARTS LOTTERY COUNCIL.

5-9.1 Creation; Members.

Subject to the provisions of Chapter 10s, 35A of the M.G.L., there shall be created the Boston Arts Lottery Council consisting of twenty-two (22) members who shall be appointed by the Mayor for a period of two (2) year terms, each member limited to three (3) terms.

(Ord. 1983 c. 35 § 1)

5-9.2 Qualifications for Members.

The Council members shall have demonstrated scholarship or creativity in, or distinguished service to the arts and humanities, and who shall be broadly representative of all fields of the performing arts, the fine arts and humanities. One member shall be appointed from each ward of the City of Boston and shall be a resident of that ward for at least five (5) years.

(Ord. 1983 c. 35 § 2)

5-9.3 Purpose.

The Boston Arts Lottery Council shall stimulate and encourage the arts within the City of Boston by administering the distribution of the Arts Lottery established

under the provisions of Chapter 10 s. 35B as hereinafter provided fairly to all sections of Boston and by providing guidance, advice and assistance to the local arts councils established within the City of Boston.

(Ord. 1983 c. 35 § 3)

5-9.4 Election of Chairman; Vacancy.

Elected or appointie public officials shall not be eligible for membership on said Council. The Council shall elect the Chairman from among their own membership. Upon expiration of the term of office as a member, his or her successor shall be appointed in like manner, and shall serve until the qualification of his successor. Any vacancy, occurring for any reason other than the expiration of the term, shall be filled in the same manner as the original appointment.

(Ord. 1983 c. 35 § 4)

5-9.5 Powers and Duties.

The Boston Arts Lottery Council shall hold public hearings, may enter into contracts with individuals, organizations, and institutions for services furthering the objectives of the Council's purpose. However, the Council shall advertise publicly within twenty-one (21) days in a newspaper of City-wide and/or local circulation, setting forth the specifications and terms of said contract.

The Council may accept gifts, grants, contributions of funds from individuals, foundations and from Federal, State and other governmental bodies for the purpose of furthering the Council programs.

Further, the Council may make and sign any agreement and may do and perform any and all acts pursuant to the purposes of Chapter 10 s. 35A to 35C.

(Ord. 1983 c. 35 § 5)

5-9.6 Reimbursement of Expenses.

The members of the Boston Arts Lottery Council shall serve without compensation but shall be reimbursed for their expenses actually and necessarily incurred in the discharge of their duties.

(Ord. 1983 c. 35 § 6)

5-9.7 Guidelines Established.

The Boston Arts Lottery Council shall promulgate necessary guidelines, rules or regulations for the use of States arts funds and for its own neighborhood arts council operations and procedures.

(Ord. 1983 c. 35 § 7)

5-9.8 Application for Funds; Use of Funds.

The Boston Arts Lottery Council shall receive applications twice annually on or before April 1 and November 1 of each year, and shall determine if applications for funds comply with the guidelines.

The Boston Arts Lottery Council shall certify to the City Auditor and Collector-Treasurer the payment of funds for those applicants who are eligible upon receipt of vouchers itemizing the use of the funds.

(Ord. 1983 c. 35 § 8)

5-9.9 Audit of Expenditures.

The Boston Arts Lottery Council shall conduct an annual audit of the expenditures of those funds and file a report to the City Clerk copies of this report no later than three (3) weeks after the close of the fiscal year.

(Ord. 1983 c. 35 § 9)

5-9.10 Severability.

If any of the above sections are determined to be not constitutional under the law, the remainder of the provisions shall remain valid.

(Ord. 1983 c. 35 § 10)

CHAPTER VI

GENERAL SERVICES

6-1 AUDITING DEPARTMENT.

6-1.1 General Duties of City Auditor.

The Auditing Department shall be under the charge of a City Auditor who shall be appointed by the Mayor, and hold office, subject to the Civil Service laws and rules and who shall have the custody of all notes, securities, bonds given for the faithful performance of a contract, contracts and other agreements to which the City is a party and for which no other provision is made, and of all bonds to the City other than the Auditor's; shall keep a register of the dates, amounts, and sureties on all such bonds, and notify the Mayor whenever any such bond expires, or whenever he is of the opinion that it is impaired by the insolvency or other disability of a surety; shall keep a complete set of books, wherein shall be entered the amount of each specific appropriation and each amount that has been expended on account of such appropriation; shall cause the accounts of the several boards, officers, agencies and departments to be regularly examined annually by competent experts at such times as the Mayor shall approve; shall notify the Mayor whenever the expenditures of a Department seem to him to be in excess of a proper monthly ratio of its appropriation; shall, when any appropriation of a Department has been wholly expended, immediately make a report of that fact to the Department and to the Mayor; shall have the custody of all bonds and certificates of indebtedness, and the coupons thereof, issued by the City, after they have been paid and delivered to him by the Collector-Treasurer; shall direct to the Collector-Treasurer all necessary drafts, checks, or other orders for the payment of money, in such form as the Mayor shall approve, and forthwith upon completion of each such examination of accounts, file one copy of his report thereof with the City Clerk, who shall keep the same open to public inspection during regular business hours; shall keep a registry of, and sign with the Collector-Treasurer, countersigned by the Mayor, all bonds and certificates of indebtedness of the City issued by the Collector-Treasurer; and shall, if elected, serve as Secretary of the Board of Commissioners of Sinking Funds.

(Ord. August 2, 1824; St. 1909 c. 486 §§ 23 - 25; Ord. 1965 c. 2 § 15; Rev. Ord. 1961 c. 6 § 1; Ord. 1974 c. 10; CBC 1975 Ord. T6 § 1)

Cross References: Ord. ss 6-3.6.

6-1.2 Payment of Bonds, Executions, and Coupons.

The Auditor shall, immediately on receiving any bond of the City from the Collector-Treasurer, deliver to him a check or other order for the payment of the same; and shall on the days of receiving executions or coupons from the Collector-Treasurer deliver to him a draft for the total amount of the executions, coupons, and interest paid by the Collector-Treasurer to such days.

(Rev. Ord. 1961 c. 6 § 2; CBC 1975 Ord. T6 § 2)

Cross Reference: Ord. ss 6-3.5; ss 6-3.8.

6-1.3 Examination and Approval of Payrolls; Payment of Persons Leaving Service.

The Auditor shall, within forty-eight (48) hours after the close of the period covered by any payroll, and after examination thereof, if found correct, approve the same, and shall deliver to the Collector-Treasurer a draft to pay the amount so approved; shall at any time, on receiving a proper certificate from the Officer or Board in charge of a Department, deliver to the Collector-Treasurer a check or other order to pay the amount due any person in that Department leaving the service of the City.

(Rev. Ord. 1961 c. 6 § 3; CBC 1975 Ord. T6 § 3)

Cross References: Ord. ss 5-5.27, 5-5.28, 5-5.29; Ord. ss 6-3.8, ss 6-3.12.

6-1.4 Examination of Bills and Demands.

The Auditor shall examine every bill and demand rendered against the City of Boston or the County of Suffolk and shall ascertain whether the following facts exist:

- a. That such bill or demand has been incurred by some person duly authorized;
- b. That funds appropriated for the purpose are on hand in sufficient amount for the payment of such bill or demand;
- c. That the clerical computations involved in such bill or demand are correct;
- d. That the certificate prescribed by subsection 5-5.27 has been furnished.

If the Auditor finds that all of said facts exist, he shall make an appropriate notation on the bill or demand and forthwith forward the same to the Collector-Treasurer for payment, and, as soon thereafter as conveniently may be, shall draw a draft upon the Collector-Treasurer for the payment of such bill or demand. If the Auditor finds that any of such facts does not exist, he shall return the bill or demand with his objections to the person submitting the same.

(Ord. 1949 c. 9 § 2; Rev. Ord. 1961 c. 6 § 4; CBC 1975 Ord. T6 § 4)

Cross References: Ord. ss 5-5.27; Ord. ss 6-3.5, ss 6-3.8; Ord. ss 6-3.1; Ord. ss 11-6.37)

6-1.5 Check or Order for Payment.

The Auditor shall, when requested in writing by any officer in charge of a Department, if he deems it proper so to do, audit accounts and issue drafts for the payment thereof whenever necessary.

(Rev. Ord. 1961 c. 6 § 5; CBC 1975 Ord. T6 § 5)

6-1.6 Departmental Charges.

The Auditor, at the close of each month, shall charge as an expenditure of a Department the transaction, act, or neglect of which caused a claim or suit, the amount paid in settlement, or on execution, therefor, unless provision is made for such payment out of some other appropriation; shall charge the amount of every bill allowed by him for printing or binding furnished any Department by the Purchasing Agent during such month, except City documents, to the appropriation for the Department to which the same was furnished, and shall credit such amount to the general revenue of the City; and shall charge to the appropriation for each division of the Public Works Department, or to the appropriation for any special work, the amount of all bills for materials, tools or machinery furnished for such division, or for such work, by other divisions of said Department, and shall credit such amount to the general revenue of the City, unless such materials, tools or machinery have been furnished by the water service, in which case the amount charged shall be credited to the water income.

(Ord. 1953 c. 8 § 11; Rev. Ord. 1961 c. 6 § 6; CBC 1975 Ord. T6 § 6)

Cross References: Ord. ss 5-5.26, ss 5-5.33; Ord. ss 11-6.29.

6-1.7 Monthly Report to Mayor and City Council.

The Auditor shall, immediately after the first day of every month, make to the Mayor and, prior to its fourth regular meeting of every month, to the City Council, a report showing the amounts of the several appropriations, the amounts of all drafts on account of each appropriation made during the month preceding, the amounts of such drafts made since the beginning of the financial year, and the balance of such appropriation remaining subject to draft.

(Rev. Ord. 1961 c. 6 § 7; Ord. 1972 c. 11 § 2; CBC 1975 Ord. T6 § 7)

Cross References: Ord. ss 2-7.3; Ord. ss 5-5.31.

6-1.8 Annual Report.

The Auditor shall include in his annual report a statement of all the receipts and expenditures of the City for the past financial year, giving in detail the amount of each regular and special appropriation and the expenditures therefrom, the receipts from each source of income, the reduction, if any, of the City debt, and the change, if any, in the sinking funds, which statement shall be arranged so far as practicable to conform to the accounts of the Collector-Treasurer.

(Ord. 1954 c. 2 § 19; Rev. Ord. 1961 c. 6 § 8; CBC 1975 Ord. T6 § 8)

Cross References: Ord. ss 5-5.33; Ord. ss 6-3.5.

6-1.9 Deputy City Auditor.

The City Auditor may appoint, subject to the approval of the Mayor, a Deputy City Auditor, who shall be sworn to the faithful discharge of his duties and shall hold office until his successor is appointed and qualified. The Deputy City Auditor shall perform such duties as may be assigned to him from time to time by the City Auditor. If, by reason of illness, absence, or other cause, the City Auditor be temporarily unable to perform the duties of his office, the Deputy City Auditor shall perform the same until such disability ceases.

(Ord. 1934 c. 5; Rev. Ord. 1961 c. 6 § 9; CBC 1975 Ord. T6 § 9)

6-1.10 Restriction on Transfer of Appropriated Money.

After an appropriation of money has been duly made by the City of Boston for any specific purpose, or for the needs and expenditures of any City Department or County Office, the City Auditor shall make transfers of the monies thus appropriated only in accordance with law, and shall make no transfer requiring approval by a ye and nay vote of two-thirds (2/3) of all of the members of the City Council under Section 1 of Chapter 604 of the Acts of 1941, as now or hereafter amended, unless the City Clerk shall certify that such approval has been given and the date thereof.

(Ord. 1972 c. 11 § 3; CBC 1975 Ord. T6 § 10)

Cross References: St. 1941 c. 604 § 1.

6-1.11 Expenditure of Funds in Excess of Those Appropriated.

In the event of an expenditure by any City Official of funds in excess of those appropriated by the City Council, such expenditure being in violation of CBC, St. 4, Sec. 4, the City Council may, with the assistance of the Corporation Counsel or special counsel, on behalf of the City, seek a complaint or otherwise proceed against such Official for such violation in a court of appropriate jurisdiction.

(Ord. 1980 c. 3)

6-1.12 Establishing Standard Provisions for Annual Appropriation Orders.

Unless otherwise provided by law or such order, every annual appropriation order of the City Council shall be deemed to contain the following standard provisions:

a. No more than one-quarter ($\frac{1}{4}$) of the funds appropriated for any fiscal year for permanent personnel shall be expended for such purpose in any ninety (90) day period except with the express approval of the Mayor and City Council.

b. No official or employee of the City shall receive overtime pay in excess of ten (10%) percent of his annual salary in any twelve (12) month period unless such excess payment is expressly approved by the Mayor and City Council.

c. All salaries for non-civil service positions in excess of fifteen thousand (\$15,000.00) dollars annually and all changes in such salaries shall be subject to approval of the City Council.

d. Unless expressly approved by the Mayor and City Council, no department or agency of the City shall employ in any position within such department or agency any number of persons in excess of the number approved by the City Council.

e. Unless expressly approved by the Mayor and City Council, no department or agency of the City shall expend funds in excess of two thousand (\$2,000.00) dollars for contractual services for any purpose unless such funds and purposes were included on Form 6 of a program budget submitted to the Council in connection with an annual appropriation order prior to the expenditure of such funds.

f. Unless expressly authorized by the Mayor and City Council, no person paid from funds appropriated by this order shall be paid by any agency other than the agency for which such person actually works.

g. Passage of this order does not, either directly or implicitly, authorize, or purport to authorize, any department or agency head or any other appointing authority to disregard the provisions of Chapter 31 of the Massachusetts General Laws or the provisions of any other special or general law.

h. Funds appropriated by this order shall not be used to advertise the name of any City official whether elected or appointed.

i. Unless otherwise provided by law, or written contract predating such expense, after a payroll expense has been incurred by payment from any City payroll account such expense shall not be charged to any other account without approval of the Mayor and City Council.

j. The City Auditor shall not knowingly approve any expenditure of funds in violation of this order and the Auditor is lawfully convicted of such violation the Auditor shall be subject to a fine not to exceed one thousand (\$1,000.00) dollars for each such offense.

(Ord. 1980 c. 8 § 1)

6-2 ASSESSING DEPARTMENT.

6-2.1 Board, Appointment, Term, Divisions of Department.

There shall be in the City a Department, known as the Assessing Department, which shall be under the charge of a Board consisting of an officer, known as the Commissioner of Assessing, appointed by the Mayor for a term expiring on the first Monday of January following the next biennial municipal election at which a Mayor is elected, and of two (2) other officers, known as Associate Commissioners of Assessing, each appointed by the Mayor for a like term. The Mayor shall from

time to time by a writing filed with the City Clerk designate one of the Associate Commissioners of Assessing as the Associate Commissioner of Assessing for Motor Vehicle Excises and the other as the Associate Commissioner of Assessing for Poll Taxes.¹

Said Board shall divide the Assessing Department from time to time into a Real Estate Appraisal Division, a Statistical Research Division, and such other Divisions as said Board shall adjudge necessary for the proper conduct of the Department.

(Ord. 1958 c. 4 § 3; Ord. 1961 c. 1 § 4; Rev. Ord. 1961 (Sup. 1971) c. 5 § 1; CBC 1975 Ord. T6 § 100)

Cross References: Ord. ss 17-14.1.

6-2.2 Powers and Duties of Commissioner of Assessing.

The Commissioner of Assessing shall, for the Assessing Department including the Board of Review, exclusively have the power, and perform the duties, conferred or imposed by law on the Assessor in existence immediately prior to the taking effect of this ordinance with respect to the acquisition and disposal of property, the making of contracts, and the appointment, suspension, discharge, compensation and indemnification of subordinates. The Commissioner of Assessing shall also have the powers and perform the duties conferred or imposed by law on the Assessor and the Board of Review in the Assessing Department in existence immediately prior to the taking effect of this ordinance with respect to taxes other than Poll and Motor Vehicle Excise Taxes, and shall further have the powers and perform the duties from time to time conferred or imposed on Assessors of cities in Massachusetts by General Laws applicable to Boston with respect to taxes other than Poll and Motor Vehicle Excise Taxes.

(Rev. Ord. 1961 c. 5 § 1; Ord. 1961 (Sup. 1971) c. 1 § 4; CBC 1975 Ord. T6 § 101)

Cross Reference: G.L. c. 59.

6-2.3 Powers and Duties of Associate Commissioners of Assessing.

The Associate Commissioners of Assessing shall have the powers and perform the duties conferred or imposed by law on the Assessor in existence immediately prior to the taking effect of this ordinance with respect, in the case of the Associate Commissioner of Assessing for Motor Vehicle Excises, to Motor Vehicle Excise Taxes, and in the case of the Associate Commissioner of Assessing for Poll Taxes, to Poll Taxes¹, and shall also have the powers and perform the duties from time to time conferred or imposed on Assessors of cities in Massachusetts by General Laws applicable to Boston with respect, in the case of the Associate Commissioner of Assessing for Motor Vehicle Excises, to Motor Vehicle Excise Taxes, and in the case of the Associate Commissioner of Assessing for Poll Taxes, to Poll Taxes. In addition, each Associate Commissioner of Assessing may, at such

¹By St. 1963 C. 160 the poll tax was abolished.

time as he shall have been so authorized by written designation signed by the Commissioner of Assessing, approved by the Mayor and filed with the City Clerk and such authorization shall not have been revoked in like manner, exercise the powers and perform the duties of Commissioner of Assessing in relation to such matters as may be specified in such designation. In the event of the absence, disability or vacancy in office of an Associate Commissioner of Assessing, the powers and duties conferred or imposed upon him by or under this section shall be exercised and performed by the other Associate Commissioner of Assessing.

(Ord. 1961 c. 1 § 4; Rev. Ord. 1961 (Sup. 1971) c. 5 § 3; CBC 1975 Ord. T6 § 102)

Cross References: G.L. c. 59; G.L. c. 60A § 2.

6-2.4 Board of Review.

There shall be in the Assessing Department a Board, known as the Board of Review, consisting of:

a. Such person in the service of the Real Estate Appraisal Division of the Assessing Department as the Mayor, by a writing filed with the City Clerk after the commencement of a municipal year, shall designate to serve ex officio on said Board at his pleasure during such year, who, while so serving, shall be Chairman of said Board;

b. Such person in the service of the Statistical Research Division of the Assessing Department as the Mayor in like manner shall designate to serve ex officio on said Board at his pleasure during such year; and

c. Such person as the Mayor shall appoint from the public at large to serve on said Board for a term expiring on the first Monday of the January following the next biennial municipal election at which a Mayor is elected.

It shall be the duty of the Board of Review to review every application for the abatement of a Real Estate or Personal Property Tax and report to the Commissioner of Assessing its findings and recommendations with respect thereto, including such suggestion for settlement, if any, as, after discussion with the applicant, the Board may think proper.

(Ord. 1961 c. 1 § 4; Rev. Ord. 1961 (Sup. 1971) c. 5 §§ 2, 4; CBC 1975 Ord. T6 § 103)

6-2.5 Application for Abatement.

Every application for abatement filed with the Assessing Department shall be deemed to be filed with, and shall be forthwith transmitted to, in the case of an application for the abatement of a Real Estate or Personal Property Tax, the Commissioner of Assessing, in the case of an application for the abatement of a Motor Vehicle Excise Tax, the Associate Commissioner of Assessing for Motor

Vehicle Excises, and in the case of an application for the abatement of a Poll Tax, the Associate Commissioner of Assessing for Poll Taxes.¹

(Ord. 1961 c. 1 § 4; Rev. Ord. 1961 (Sup. 1971) c. 5 §§ 3, 5; CBC 1975 Ord. T6 § 104)

6-3 TREASURY DEPARTMENT.

6-3.1 Collector-Treasurer.

a. *Appointment, Term, Powers and Duties.* There shall be in the City a Department, known as the Treasury Department, which shall be under the charge of an Officer, known as the Collector-Treasurer, appointed by the Mayor for a term expiring on the first Monday on the January following the next biennial municipal election at which a Mayor is elected, who shall have the powers and perform the duties from time to time conferred or imposed on him by law, shall also have the powers and perform the duties conferred or imposed by law on the City Collector and the City Treasurer immediately prior to the taking effect of Chapter 2 of the Ordinances of 1954 (including the powers and duties conferred or imposed by Section 7 of Chapter 434 of the Acts of 1943), and shall further have the powers and perform the duties from time to time conferred or imposed on Collectors of Taxes and Treasurers of Cities in Massachusetts by General Laws applicable to Boston.

b. *Survey of Properties.* The Collector-Treasurer shall annually conduct a complete survey of all properties located in the City of Boston which carry a tax delinquent designation and determine the reasons or circumstances for such delinquency and further determine and cause to be executed those remedies the City of Boston may provide.

(St. 1821 c. 110 § 18; St. 1854 c. 448 § 42; St. 1875 c. 176 § 1; St. 1909 c. 490 Part II; St. 1912 c. 272; Ord. 1954 c. 2 § 64; Ord. 1954 c. 6 § 2; Rev. Ord. 1961 c. 25 § 1; CBC 1975 Ord. T6 § 150; Ord. 1983 c. 10)

Cross References: St. 1943 c. 434 § 7.

6-3.2 Divisions of Department; Appointment of Assistant Collector-Treasurers.

There shall be in the Treasury Department a Treasury Division and a Collecting Division; and the Collector-Treasurer shall, with the written approval of the Mayor in each instance, appoint for each division a First Assistant Collector-Treasurer and a Second Assistant Collector-Treasurer, each of whom shall be sworn to the faithful performance of his duties. The First Assistant Collector-Treasurer for each Division, and in the event of his absence or disability or of vacancy in his office the Second Assistant Collector-Treasurer for such Division, shall have charge under

¹By St. 1963 c. 160 the poll tax was abolished.

the Collector-Treasurer of such Division. Each of said Assistant Collector-Treasurers shall perform under the direction of the Collector-Treasurer such other duties as shall from time to time be assigned to him by the Collector-Treasurer, and may, at such times as he shall have been so authorized by written designation signed by the Collector-Treasurer, approved by the Mayor and filed with the City Clerk and such authorization shall not have been revoked in like manner, exercise the powers and perform the duties of Collector-Treasurer in relation to such matters as may be specified in such designation; provided, that a Second Assistant Collector-Treasurer may be authorized to exercise all the powers and perform all the duties of the Collector-Treasurer only when there is absence or disability or vacancy in office in the case of the Collector-Treasurer, the First Assistant Collector-Treasurer for the Treasury Division and the First Assistant Collector-Treasurer for the Collecting Division.

(Ord. 1954 c. 6 § 1; Rev. Ord. 1961 c. 25 § 2; CBC 1975 Ord. T6 § 151)

6-3.3 Appointment of Deputy-Collectors.

The Collector-Treasurer may appoint such Deputy Collectors (including a Chief Deputy Collector) as the service may be found to require, who shall have like power as the Collector-Treasurer to receive any tax, assessment, account, debt or claim payable to the City or County and to serve any bill, demand, notice or other paper of the Collector-Treasurer and make affidavit of the manner of such service, and, in addition thereto, shall have power to give notice of, serve and execute any warrant committed to him by the Collector-Treasurer under Section 34 of Chapter 60 of the General Laws, and in the service and execution thereof shall have all the powers and duties of a Collector of Taxes.

(Rev. Ord. 1961 c. 25 § 3; CBC 1975 Ord. T6 § 152)

Cross Reference: G.L. c. 60 § 34.

6-3.4 Bonds of Subordinates.

The Collector-Treasurer shall require from each of his subordinates, before each enters upon the duties of his office or position and annually thereafter and at such other times as the Collector-Treasurer shall determine, for the faithful discharge of his duties and trusts and the safe custody and lawful disposition of all money and other property belonging to the City or County which may come into his possession, a bond running to the Collector-Treasurer with a surety company authorized to transact business in Massachusetts as surety in the penal sum, in the case of an Assistant Collector-Treasurer, of two hundred thousand (\$200,000.00) dollars, and in the case of every other permanent employee, of not less than five thousand (\$5,000.00) dollars nor more than fifty thousand (\$50,000.00) dollars as the Collector-Treasurer shall in each case prescribe.

(Rev. Ord. 1961 c. 25 § 4; CBC 1975 Ord. T6 § 153)

Cross Reference: Ord. ss 5-5.6.

6-3.5 Collection of Accounts by Collector-Treasurer.

The Collector-Treasurer shall collect and receive all taxes and assessments payable to the City or County, whether committed to him or outstanding at the time of his appointment. He shall also collect and receive all accounts, debts and claims payable to the City or County, and in the collection thereof shall have all the remedies provided by Sections 35, 36 and 93 of Chapter 60 of the General Laws. He shall further collect and receive, except where other provision is made, all other money to be paid to, or for the use of, the City or the County. He shall have custody of all leases from the City. He shall, whenever a water rate is paid, immediately notify the Commissioner of Public Works of such payment.

(Ord. 1941 c. 6; Rev. Ord. 1961 c. 25 § 5; CBC 1975 Ord. T6 § 154)

Cross References: Ord. ss 11-6.6; Statutes, Title 11 §§ 150, 172, 177.

6-3.6 Custody and Deposit of Funds; Signing Bonds; Treasurer of Sinking Fund Commissioners.

The Collector-Treasurer shall receive, receipt for, and have the care, and custody of, the current funds of the City from the time the same shall come into his possession, and also of all money, property, and securities which may come into his possession by virtue of any statute or ordinance, or as a gift, devise, bequest, or deposit; may deposit any portion of such current funds in such savings banks or trust companies organized under the laws of Massachusetts and doing business in Boston or such national banks doing business in Boston or such national bank or trust company in the City of New York, and on such conditions and rates of interest, as he shall deem best, subject to the approval of the Mayor, provided, however, that no such deposit shall be made except in conformity with law; shall, with the Mayor and the City Auditor, sign all bonds and certificates of indebtedness issued by the City; shall preserve all bids for loans, and papers relating thereto; and shall, if elected, serve as Treasurer of the Board of Commissioners of Sinking Funds. If the Collector-Treasurer is elected Treasurer of said Board, his bond as Collector-Treasurer shall apply to and include his duties as Treasurer of said Board. The Collector-Treasurer shall not be eligible for appointment to said Board.

(Rev. Ord. 1961 c. 25 s. 6; CBC 1975 Ord. T6 § 155)

Cross Reference: Ord. ss 6-1.1; Ord. ss 6-1.2.

6-3.7 Divesting Municipal/Public Monies Dealing with South Africa or Namibia.

No public funds under the care and custody of the Collector-Treasurer of the City of Boston, as specified in this section, shall be invested or remain invested, or be deposited or remain deposited in any bank or financial institution which directly or through its subsidiaries has outstanding loans or existing lines of credit to the Republic of South Africa, or to Namibia; or in any corporation doing

business in the Republic of South Africa or Namibia; or in any company or its subsidiaries for the purpose of investment in the Republic of South Africa or Namibia. No public funds shall be invested or remain invested in the stocks, securities, or other obligations of any company doing business in or with the Republic of South Africa or Namibia, or whose subsidiary or affiliate does business in or with the Republic of South Africa or Namibia. Any proceeds of sales required under this section shall be invested as much as reasonably possible in financial institutions or companies which invest or conduct business operations in Boston so long as such use is consistent with sound investment policy. Before any public funds under this section can be deposited or invested in any bank or financial institution, corporation or company, each bank or financial institution, corporation or company must submit an affidavit to the Collector-Treasurer of the City of Boston certifying that it has no loans or existing lines of credit to the entities in the Republic of South Africa and Namibia covered in this subsection. The affidavit shall require the bank or financial institution to notify the Collector-Treasurer of the City of Boston if it later enters into any loan or extends any line of credit to the entities in subsection 6-3.7 of this chapter. These affidavits shall be available for public inspection.

(Ord. 1984 c. 19)

6-3.8 Payments of Money by Collector-Treasurer.

The Collector-Treasurer shall pay over to the Board of Commissioners of Sinking Funds all money received by him from assessments laid or to be laid on account of betterments from public improvements the expenses of which were paid for by the proceeds of loans, and all sums received from the sale or lease of City property purchased out of the proceeds of loans, except where provision to the contrary is made by statute or ordinance, to be by them credited to the sinking funds established for such loans, or in case of serial loans to be held by them toward paying the installments as they fall due. The Collector-Treasurer shall also pay all drafts, checks and other orders directed to him by the City Auditor, in accordance with these ordinances, for the payment of bills and demands against the City; shall on presentation pay every execution against the City, when approved by the Corporation Counsel, even if the appropriation to which the execution is chargeable is not sufficient to meet it; shall pay on presentation when due all bonds issued by the City and the interest on the same; shall cancel all bonds and coupons and daily deliver to the City Auditor the bonds and executions paid during the day; shall at the close of business on the last day of each month deliver to the City Auditor the coupons paid during such month and statement of the total amount paid for interest during such month and shall use and apply as the City Council may direct all property, money and securities in his care and custody at the close of each financial year for the application of which no other provision has been made.

(Rev. Ord. 1961 c. 25 § 7; CBC 1975 Ord. T6 § 156)

Cross References: Ord. ss 6-1.3; Ord. ss 8-7.1.

6-3.9 Monthly Reports.

The Collector-Treasurer shall, on or before the tenth of each month, render to the Mayor a statement of the receipts and payments of the Treasury Department for the preceding month and a summary of the like items for the current financial year up to the close of the preceding month.

(Rev. Ord. 1961 s. 25 § 8; CBC 1975 Ord. T6 § 157)

6-3.10 Payments to Employees and Others.

The Collector-Treasurer may make payments to school teachers, school building custodians, policemen, witnesses, jurors, and persons employed in and about the various departments and institutions of the City and of the County, in such of the public buildings in the different sections of the City, or upon such public works, as he may designate, and as will best facilitate such payments and prevent the loss of time by the persons receiving them.

(Rev. Ord. 1961 c. 25 § 9; CBC 1975 Ord. T6 § 158)

6-3.11 Disposition of Gifts, Bequests, Investment Thereof.

The Collector-Treasurer, unless the donors have otherwise directed, shall receive all properties given, devised or bequeathed to, or deposited with, the City for any specific purpose, and shall use the same, or the income thereof, as designated in the gift, devise, bequest or deposit. If the income only is to be used, he shall hold the properties as permanent funds. He shall invest and keep invested the said permanent funds in conformity with Section 54 of Chapter 44 of the General Laws notwithstanding the last sentence thereof. For the purpose of investment and reinvestment he shall have power from time to time in his discretion to sell or exchange any of the securities of which any of the said permanent funds consist; but all purchases, exchanges and sales shall be with the written approval of the Mayor.

To facilitate the investment management of trust funds for which the Collector-Treasurer is custodian, the Collector-Treasurer may cause any security which is an asset of a trust fund for which the Collector-Treasurer is custodian, unless otherwise provided by the specific terms of an individual trust instrument, to be registered and held in the name of a partnership or a corporate nominee named by him. The Collector-Treasurer may do or cause to be done all acts necessary to the creation of such nominee registrations.

(Rev. Ord. 1961 c. 25 § 10; Ord. 1972 c. 3; CBC 1975 Ord. T6 § 159; Ord. 1976 c. 16)

Cross References: G.L. c. 44 §§ 53A, 54; St. 3 § 1.

6-3.12 Police Charitable Fund.

The Collector-Treasurer shall use the income of the Police Charitable Fund for the relief of persons in necessitous circumstances who shall be found by the Police

Commissioner to have been honorably discharged from the police force by reason of sickness, age or other disability, or to be the widows or orphans of Police Officers who have died while in the service of the City; and may monthly pay to such persons the amount of such income determined and allowed by the Police Commissioner, with the approval of the Mayor, on a monthly payroll sent to the City Auditor.

(Rev. Ord. 1961 c. 25 § 11; CBC 1975 Ord. T6 § 160)

Cross References: Ord. ss 6-1.3.

6-4 APPROPRIATIONS AND LOANS.

6-4.1 Submission of Annual Budget.

In the event that he has not done so prior to such time, the Mayor, not later than the first day of May of each year, shall submit to the City Council the annual budget of the current expenses of the City and County for the forthcoming fiscal year in its entirety as provided for by Chapter 486 of the Acts of 1909.

(Ord. 1979 c. 43)

6-5 FINANCE COMMISSION.

No Ordinances Apply. See Special Statutes.
(CBC 1975 Ord. T6)

6-6 OFFICE OF THE PARKING CLERK.*

6-6.1 Parking Clerk; Appointment and Duties.

a. There shall be in the City a Division of the Traffic and Parking Department* known as the Office of the Parking Clerk, under the control and direction of an official known as the Parking Clerk, appointed by the Mayor with the approval of the City Council under the provisions of the charter and pursuant to Section 20A1/2 of Chapter 90 of the General Laws.

b. The Parking Clerk shall supervise and coordinate the processing of parking notices in the City. The Parking Clerk shall have the authority to hire or designate such personnel as may be necessary or contract by competitive bid including, but not limited to, advertising in a newspaper of general circulation once a week for at least two (2) consecutive weeks, the use of detailed, written publicly available selection criteria by the Parking Clerk, in conformance with any and all special and general laws dealing with open competitive bidding for such services, subject to appropriation, to implement the provisions of this ordinance and Sections 10A1/2, 20C, and 20E, of Chapter 90 of the General Laws.

*Editor's Note: The powers and duties of the Traffic and Parking Commission, the Traffic and Parking Commissioner and the Traffic and Parking Department were assumed by the Transportation Commission, the Transportation Commissioner and the Transportation Department respectively under the provisions of s. 20 of Ch. 608 of the Acts of 1986.

c. Positions in the Office of the Parking Clerk shall be filled until June 30, 1983, by granting preference to persons who had been employees of the Police, Fire, or Traffic and Parking Departments* of the City after July 1, 1981, and all positions shall be subject to Chapter 31 of the General Laws.

d. The amount expended for personnel of the Office of the Parking Clerk shall not exceed five (5%) percent of the total receipts collected during the previous fiscal year.

(Ord. 1982 c. 14)

6-6.2 Issuance of Parking Violation Notices.

a. It shall be the duty of every Police Officer, and every person assigned such responsibility, who takes cognizance of a violation of any provision of any rule, regulation, order, ordinance, or bylaw regulating the parking of motor vehicles in the City of Boston forthwith to give the offender a notice to appear before the Parking Clerk, during regular office hours, not later than twenty-one (21) days after the date of the violation.

b. The notice to appear shall be in tag form, as prescribed by Section 20A1/2 of Chapter 90 of the General Laws.

c. The Parking Clerk shall distribute such violation notices to the Police Commissioner and Traffic and Parking Commissioner* and other authorized enforcement officials upon request, and shall take a receipt therefor.

d. Notice affixed to a motor vehicle as provided in Section 20A1/2 of Chapter 90 shall be deemed a sufficient notice and shall be deemed prima facie evidence thereof and shall be admissible in any judicial or administrative proceedings of the Office of the Parking Clerk as to the facts contained therein.

e. At or before the completion of each tour of duty, the officer shall give to his commanding officer copies of each notice of violation issued during such tour. The commanding officer shall retain and safely preserve one copy of each violation notice and shall at a time no later than the beginning of the next business day, deliver a copy of the notice to the Office of the Parking Clerk. The Parking Clerk shall maintain a docket of all such notices to appear.

(Ord. 1982 c. 14)

6-6.3 Schedule of Fines.

a. The fine for parking a vehicle in violation of any posted prohibition against stopping or standing of motor vehicles shall be thirty (\$30.00) dollars for each such violation. A penalty of ten (\$10.00) dollars shall be assessed if the fine remains unpaid twenty-one (21) days after issuance of a notice of such violation.

*Editor's Note: The powers and duties of the Traffic and Parking Commission, the Traffic and Parking Commissioner and the Traffic and Parking Department were assumed by the Transportation Commission, the Transportation Commissioner and the Transportation Department respectively under the provisions of s. 20 of Ch. 608 of the Acts of 1986.

b. The fine for parking a vehicle in violation of the prohibition against parking on the roadway side of any vehicle stopped or parked at the curb or edge of a roadway (double parking) within "Zone A," as defined by the Boston Traffic and Parking Commission*, shall be thirty (\$30.00) dollars for each such violation. A penalty of ten (\$10.00) dollars shall be assessed if the fine remains unpaid twenty-one (21) days after issuance of a notice of such violation.

c. The fine for parking a vehicle in violation of the prohibition against parking on the roadway side of any vehicle stopped or parked at the curb or edge of a roadway (double parking) within "Zone B," as defined by the Boston Traffic and Parking Commission*, shall be fifteen (\$15.00) dollars for each such violation. A penalty of five (\$5.00) dollars shall be assessed if the fine remains unpaid twenty-one (21) days after issuance of a notice of such violation.

d. The fine for parking a vehicle in violation of the prohibition against parking within an intersection, or upon any street or roadway within twenty (20') feet of an intersecting way, except alleys, shall be thirty (\$30.00) dollars for each such violation. A penalty of ten (\$10.00) dollars shall be assessed if the fine remains unpaid twenty-one (21) days after issuance of a notice of such violation.

e. The fine for parking a vehicle in violation of the prohibition against parking within ten (10') feet of a fire hydrant shall be fifty (\$50.00) dollars for each violation. A penalty of sixteen (\$16.00) dollars shall be assessed if the fine remains unpaid twenty-one (21) days after issuance of a notice of such violation.

f. The fine for parking a vehicle in violation of the prohibition against parking within Residential Parking Districts, unless said vehicle displays in the rear window a valid and current sticker as issued by the Traffic and Parking Department* for the district in which the vehicle is parked, shall be twenty (\$20.00) dollars for each such violation. A penalty of six (\$6.00) dollars shall be assessed if the fine remains unpaid twenty-one (21) days after issuance of a notice of such violation.

g. The fine for parking a vehicle in any public hackney carriage stand shall be twenty (\$20.00) dollars for each such violation. A penalty of six (\$6.00) dollars shall be assessed if the fine remains unpaid twenty-one (21) days after issuance of a notice of such violation.

h. The fine for parking a vehicle in violation of the prohibition against parking upon any roadway where the parking of the vehicle will not leave a clear and unobstructed lane at least ten (10') feet wide for passing traffic (fire lane) shall be thirty (\$30.00) dollars for each such violation. A penalty of ten (\$10.00) dollars shall be assessed if the fine remains unpaid twenty-one (21) days after issuance of a notice of such violation.

i. The fine for parking a vehicle in violation of the prohibition against parking upon any sidewalk shall be thirty (\$30.00) dollars for each such violation. A

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penalty of ten (\$10.00) dollars shall be assessed if the fine remains unpaid twenty-one (21) days after issuance of a notice of such violation.

j. The fine for parking a vehicle in violation of the prohibition against parking upon any crosswalk shall be thirty (\$30.00) dollars for each such violation. A penalty of ten (\$10.00) dollars shall be assessed if the fine remains unpaid twenty-one (21) days after issuance of a notice of such violation.

k. The fine for parking a vehicle in front of any pedestrian sidewalk ramp shall be fifty (\$50.00) dollars for each such violation. A penalty of sixteen (\$16.00) dollars shall be assessed if the fine remains unpaid twenty-one (21) days after issuance of a notice of such violation.

l. The fine for parking a vehicle not bearing distinctive license plates as issued by the Registry of Motor Vehicles to handicapped persons or disabled veterans on any street or part thereof where signs are erected reserving the space of HP or DV plate vehicles shall be fifty (\$50.00) dollars for each such fine. A penalty of sixteen (\$16.00) dollars shall be assessed if the fine remains unpaid twenty-one (21) days after issuance of a notice of such violation.

(Ord. 1983 c. 20 § 2; Ord. 1985 c. 4, § 79)

6-6.4 Payment of Fines.

a. Any person receiving a violation notice may appear before the Parking Clerk, or his designee, and confess the offense charged, either personally, through an agent duly authorized in writing, or by mailing to the Parking Clerk the notice accompanied by the fine provided therein. Payment by mail shall be made only by postal note, money order, or check made out to the Parking Clerk. Payment in person may be made by cash, postal order, money order, or check made out to the Parking Clerk and in the case of payment made in cash the Parking Clerk shall issue a receipt therefor. Payment of a fine shall operate as a final disposition of the case.

b. The Traffic and Parking Commission* shall from time to time establish by rule or regulation a schedule of fines for violations of any provision of any rule, regulation, order, ordinance or bylaw regulating parking in the City. All such fines shall be uniform for the same offense committed in the same zone. Increase in such fines from the fifteen (\$15.00) dollar limit set by Section 20A1/2 of Chapter 90 shall be established by ordinance.

(Ord. 1982 c. 14)

6-6.5 Hearings and Appeals.

a. If any person, fails to appear and pay the prescribed fine within twenty-one (21) days as required by Section 20A1/2 of Chapter 90 or if such person having

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appeared, within twenty-one (21) days as required by Section 20A1/2 of Chapter 90, desires not to avail himself of the benefits of the procedure established by this ordinance, the Parking Clerk shall as prescribed by Section 20A1/2 of Chapter 90, forthwith schedule the matter before a person hereafter referred to as a Hearing Officer. The Hearing Officer shall be the Parking Clerk or other such person as the Parking Clerk may designate.

b. Written notice of the date, time and place of the hearing shall be sent by first-class mail to the registered owner. The hearing, as prescribed by Section 20A1/2 of Chapter 90, shall be informal, the rules of evidence shall not apply, and the decision of the Hearing Officer shall be final, subject to judicial review under Section 14 of Chapter 30A.

c. The Hearing Officer shall have authority to only adjudicate disputes as to the validity of the parking violation notices issued for violations of the rules and regulations of the Boston Traffic and Parking Commission.*

d. Proceedings for review of the decision of the Parking Clerk shall be instituted in the Suffolk Superior Court within thirty (30) days after receipt of notice of the final decision of the Parking Clerk or if a petition for rehearing has been timely filed with the Parking Clerk, within thirty (30) days after receipt of notice of the Parking Clerk's denial of such petition for rehearing. The commencement of an action shall not operate as a stay of enforcement of the Parking Clerk's decision, but the Parking Clerk may stay enforcement, and the reviewing court may order a stay upon such terms as it considers proper as prescribed by Section 14 of Chapter 30A. The City shall, by way of answer, file in court the original or a certified copy of the record of the proceeding under review.

(Ord. 1982 c. 14)

6-6.6 Impoundment of Vehicles.

If any person shall have failed to appear in accordance with five (5) or more said notices, the Parking Clerk shall as prescribed by Section 20A1/2 of Chapter 90 notify the Police Commissioner or Commissioner of Traffic and Parking* that the vehicle involved shall be removed and stored or otherwise immobilized at the expense of the registered owner until such time as the matter has been disposed of in accordance with law. A notice announcing such action shall be mailed to the registered owner by the Parking Clerk.

(Ord. 1982 c. 14)

6-6.7 Nonrenewal of License and Registration.

a. If any person fails to appear in accordance with the notice of a hearing, the Parking Clerk shall notify the Registrar of Motor Vehicles who shall, as required by

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Section 20A1/2 of Chapter 90, place the matter on record and not renew the license to operate motor vehicles of the registered owner of the vehicle or the registration of said vehicle until after notice from the Parking Clerk that the matter has been disposed of in accordance with law.

b. It shall be the duty of the Parking Clerk to notify the registrar forthwith that such case has been disposed of in accordance with law, provided however, that a certified receipt of full and final payment from the Parking Clerk shall also serve as legal notice as prescribed by Section 20A1/2 of Chapter 90 to the registrar that said violations have been disposed of.

(Ord. 1982 c. 14)

6-6.8 Licensed Taxi Cabs and Leased Vehicles.

a. Anything contained herein notwithstanding, if the registered owner of a motor vehicle involved in a parking violation subject to this section is a person or entity engaged in the licensed taxicab business or the business of leasing motor vehicles, and such motor vehicle is under lease or being operated for hire at the time of such violation the procedures of this subsection shall be applicable, and the registered owner shall be liable for any unpaid fines only upon compliance by the Parking Clerk as defined above with the procedures hereinafter set forth:

b. The Parking Clerk shall give to the registered owner notice in writing of each violation in which a motor vehicle owned by such owner is involved, including the license number of the vehicle, state of issue and date and time of the violation.

c. Within thirty (30) days, the registered owner shall furnish to such Parking Clerk in writing the name and address of the lessee of such motor vehicle at the time of such violation and if the lessee is also the operator, the license number, and state of issue of the license of such lessee.

d. The Parking Clerk shall thereupon issue a notice of violation to such lessee in the form prescribed by this ordinance.

e. If such lessee does not appear in person or by writing as otherwise provided in the ordinance or make payment within twenty-one (21) days from the date on which such notice is issued, the Parking Clerk shall notify the registrar as provided by the provisions of Section 20A and 20A1/2, and the Clerk of the Division of the District Court Department or Boston Municipal Court Department of the Trial Court having jurisdiction. Upon notification by the Parking Clerk the registrar shall suspend any license issued under this chapter or suspend the right to operate of a person not licensed in this commonwealth; and the Clerk of the District Court of the trial court having jurisdiction shall forthwith issue a criminal complaint against the lessee and thereafter proceed against such lessee following the procedures established for criminal cases.

f. After notification of the Registrar and the Clerk of the District Court Department of the Trial Court having jurisdiction of nonpayment by the lessee within twenty-one (21) days of the fine imposed by the City, the Parking Clerk shall notify by first-class mail, the registered owner of such nonpayment. The registered owner shall, within thirty (30) days after receipt of such notice, pay the fine for such violation. If thereafter, any payment is received by the Parking Clerk from or on behalf of the lessee, the Parking Clerk shall forthwith reimburse to the registered owner the amount paid by such registered owner. If any payment is received by the court from or on the behalf of the lessee, the Clerk of the Division of the District Court Department or the Boston Municipal Court Department of the Trial Court having jurisdiction shall forward said payment to the Parking Clerk who shall forthwith reimburse to the registered owner the amount paid by such registered owner, if not previously reimbursed. The Registrar shall remove any suspension of license or right to operate upon the payment in full to the Parking Clerk of the fine and penalty for such violation by the lessee.

g. The provisions of this ordinance shall be applicable to lessees of motor vehicles as provided herein.

h. Any registered owner and Parking Clerk may by agreement upon such terms and conditions as they may deem appropriate provide for the transmission of the information hereinbefore referred to in paragraphs b. and c. of this subsection, on magnetic tape or in other computer readable format, in order to expedite completion of the foregoing procedures.

(Ord. 1982 c. 14)

6-6.9 Agreements With Other Governmental Agencies.

a. The Parking Clerk shall have the authority to enter into such agreements and contracts with other Cities, Towns, and government agencies within the Commonwealth as may be necessary or expedient to effectuate the collection of fines and adjudication of parking violation notices.

b. Such agreements and contracts shall be subject to the approval of the Corporation Counsel and the Mayor.

(Ord. 1982 c. 14)

6-6.10 Statutes Applicable.

This ordinance shall be construed to conform to the provisions of Sections 20A1/2, 20C, 20D, and 20E of Chapter 90, as amended, and to Section 4A of Chapter 90C, as amended, and other applicable laws of the Commonwealth.

(Ord. 1982 c. 14)

6-7 DISABLED VETERANS/HANDICAPPED PARKING.***6-7.1 Purpose.**

The purpose of this section is to insure Boston residents who are disabled veterans or handicapped have access to public and private facilities and services; to provide regulations for the designation, enforcement and penalty for misuse of parking areas designated as reserved for disabled veterans or handicapped persons; and to establish a temporary identification system for use of parking areas designated as reserved for disabled veterans or handicapped persons.

(Ord. 1983 c. 20)

6-7.2 Scope.

a. This section shall apply to any person or body that has lawful control of a public or private way or enclosed property used as off-street parking areas for businesses, shopping malls, theatres, auditoriums, sporting or recreational facilities, cultural centers, residential dwellings, or for any other place where the public has a right of access as invitees or licensees.

b. Such persons or bodies shall designate parking areas as reserved for motor vehicles owned and operated by a disabled veteran or a handicapped person whose vehicle bears the HP/V distinguishing license plate authorized by Section 2 of Chapter 90 of the General Laws of the Commonwealth of Massachusetts or the temporary identification authorized by the provisions of this section.

c. Such persons or bodies shall assure that said spaces conform with the size, width and location requirements as set forth in Section 21, clause 13(a) of Chapter 40 of the General Laws of the Commonwealth of Massachusetts.

d. Such persons or bodies shall display signs which state that HP/V parking regulations shall be enforced.

e. Parking spaces designated as reserved under the provisions of this section shall be identified by the use of above-grade signs with white lettering against a blue background and shall bear the words "HP/V PARKING ONLY: Special Identification Required. Unauthorized vehicles May be Ticketed or Removed at Owner's Expense." Complaints shall be referred to the Commission on the Handicapped for enforcement.

f. The Department of Traffic and Parking* may deny or revoke licenses granted pursuant to Section 56 of Chapter 148 of the General Laws of the Commonwealth of Massachusetts to licensees of open-air parking spaces not in compliance with the provisions of this section.

*Editor's Note: The powers and duties of the Traffic and Parking Commission, the Traffic and Parking Commissioner and the Traffic and Parking Department were assumed by the Transportation Commission, the Transportation Commissioner and the Transportation Department respectively under the provisions of s. 20 of Ch. 608 of the Acts of 1986.

g. The Department of Traffic and Parking* shall be authorized to remove or select an independent contractor to remove motor vehicles obstructing any curb ramp designated for use by disabled veterans or handicapped persons or obstructing any parking spaces reserved for a motor vehicle owned and operated by a disabled veteran or handicapped persons whose vehicle bears the distinguishing license plate authorized by Section 2 of Chapter 90 of the General Laws of the Commonwealth of Massachusetts or who is in possession of the temporary identification authorized by the provisions of this section.

h. There shall be two forms of motor vehicle identification for the purpose of this section. The HP/V distinguishing license plate authorized by Section 2 of Chapter 90 of the General Laws of the Commonwealth of Massachusetts and the temporary identification authorized by the provisions of this section.
(Ord. 1983 c. 20)

6-7.3 Identification Card.

The Commission on Handicapped in cooperation with the Department of Traffic and Parking* shall issue a temporary identification card certifying the right of the holder to use parking spaces designated as reserved for disabled veterans or handicapped persons in the following circumstances: disabled veterans or handicapped persons who have applied for but not yet received the distinguishing license plate authorized by Section 2 of Chapter 90 of the General Laws of the Commonwealth of Massachusetts; disabled veterans or handicapped persons whose motor vehicle is out of service and who are using a motor vehicle not bearing said distinguishing license plate; disabled veterans or handicapped persons who have an out-of-state HP/V license plate; and individuals who have acquired a temporary disability of a severe nature and who can provide medical documentation of same. A separate dashboard card shall be issued to those who transport persons who are blind or mobility impaired which will allow sixty (60) minute parking in HP/V designated areas. Said cards shall be valid for a maximum of ninety (90) days and shall be distinctive so as to disallow fraud, and shall be numbered and tracked by a comprehensive record keeping process. Any person who improperly uses a motor vehicle with a HP/V distinguishing plate or temporary identification authorized by the provisions of this section shall be subject to a fine of two hundred (\$200.00) dollars. If a person receives a parking violation while properly using HP/V distinguishing plate or temporary identification authorized by the provisions of this section, said violation shall be dismissed if, prior to twenty-one (21) days evidence demonstrating to use handicapped parking rights at the time of receiving the ticket.

(Ord. 1983 c. 20; Ord. 1984 c. 8)

*Editor's Note: The powers and duties of the Traffic and Parking Commission, the Traffic and Parking Commissioner and the Traffic and Parking Department were assumed by the Transportation Commission, the Transportation Commissioner and the Transportation Department respectively under the provisions of s. 20 of Ch. 608 of the Acts of 1986.

CHAPTER VII

ENVIRONMENTAL PROTECTION

7-1 CONSERVATION COMMISSION.

7-1.1 Composition of Board; Terms of Office.

There shall be in the City a board, known as the Conservation Commission, consisting of the Commissioner of Parks and Recreation, ex officio, and six (6) Conservation Commissioners, who shall be residents of the City, appointed by the Mayor, of whom two (2) shall be appointed from ten (10) candidates nominated two (2) each by the Board of Directors or like body of the following corporations or organizations: the Massachusetts Audubon Society, Inc., the Massachusetts Forest and Park Association, the Massachusetts Roadside Council, the Trustees of Reservations, and the Eastern Massachusetts Group of the New England Chapter of the Sierra Club. As the term of any Conservation Commissioner expires, his successor shall be appointed in like manner for a term of three (3) years. Any vacancy in the office of a Conservation Commissioner shall be filled in like manner for the unexpired term.

The Mayor shall from time to time designate one of the Conservation Commissioners as Chairman and another as Vice-Chairman. The Commission shall elect a secretary who need not be a member of the Commission.

The Commissioners shall serve without compensation, and shall be deemed to be special municipal employees for the purposes of Chapter 268A of the General Laws.

(Ord. 1970 c. 10; Rev. Ord. 1961 (Sup. 1971) c. 10.1 § 1; CBC 1975 Ord. T7 § 1)

Cross References: G.L. c. 268A; Ord. ss 7-4.1.

7-1.2 Powers and Duties.

The Conservation Commission shall, subject to the provisions of the charter as that term is defined in clause Fifth of Section 7 of Chapter 4 of the General Laws, have the powers and perform the duties from time to time conferred or imposed on conservation commissions by Section 8C of Chapter 40 of the General Laws.

The Commission, with the approval of the City Council, may from time to time promulgate, amend, and repeal regulations relative to the collection of recyclable materials. Such regulations shall be adopted only after public hearing and in

consultation with the Commissioner of Public Works. The Commission may, in its own discretion, grant or withhold a permit or permits allowing the collection of recyclable materials from places on or abutting public ways, which permit or permits may allow practices prohibited by subsection 16-1.21 of the ordinances; provided, however, that before any such permit is issued the Commission shall satisfy itself that the potential permittee will conduct such collection in a manner consistent with the protection of the public health and safety. No such permit shall be issued for a period greater than one year, and all shall be subject to revocation by the Commission at any time. The Commission may impose conditions and restrictions on permittees and may require the posting of security for faithful performance by a permittee.

(Rev. Ord. 1961 (Sup. 1971) c. 10.1 § 2; Ord. 1973 c. 12 § 1; CBC 1975 Ord. T7 § 2)

Cross References: G.L. c. 4 § 7; G.L. c. 40 § 8C.

7-1.3 Duties of Public Facilities Commission and Public Improvement Commission.

The Public Facilities Commission shall not transfer any land from the municipal purpose to which it is devoted at the time of transfer to any other municipal purpose unless not less than fourteen (14) nor more than ninety (90) days prior to transfer, the Director of Public Facilities has given the Conservation Commission written notice of his intention to recommend such transfer; nor shall the Public Improvement Commission lay-out, relocate, or widen any public way unless not less than fourteen (14) nor more than ninety (90) days prior to such laying-out relocation or widening, the Commissioner of Public Works has given the Conservation Commission written notice of his intention to recommend such laying-out, relocation or widening.

(Rev. Ord. 1961 (Sup. 1971) c. 10.1 § 3; CBC 1975 Ord. T7 § 3)

Cross References: Statutes, Title 8 §§ 11, 12; Ord. ss 11-6.9.

7-2 AIR POLLUTION CONTROL COMMITTEE.

7-2.1 Appointment; Powers and Duties.

There shall be in the Health and Hospitals Departments a Board, known as the Air Pollution Control Commission, consisting of the Commissioner of Health and Hospitals, ex officio; the Commissioner of Traffic and Parking, ex officio; and three (3) members appointed by the Mayor. The appointive members shall serve for a term expiring on the first Monday of January, 1980. As the term of any member expires, his successor shall be appointed by the Mayor for a term of three (3) years. Any vacancy in the office of an appointive member shall be filled by the Mayor for the unexpired term. All members of the Commission shall serve without compensation.

The Air Pollution Control Commission shall not be subject to the supervision or control of the Board of Health and Hospitals or of Commissioner of Health and

Hospitals except as he acts as a member of the Commission; but unless otherwise ordered by the Mayor, the Commission shall not communicate with the Mayor, or make any annual or other report, except through the Board of Health and Hospitals.

The Air Pollution Control Commission shall have full jurisdiction to regulate and control atmospheric pollution as now or hereafter provided in Section 31C of Chapter 111 of the General Laws.

The Air Pollution Control Commission shall have jurisdiction to investigate, control and abate noise from whatever source, and shall also have power, after due notice and a public hearing, to adopt noise level standards and to promulgate regulations, including regulations providing that no activity likely to produce unreasonable noise may be carried on unless a permit therefor is first obtained from the Commission, which may specify in such permit the time or times within which, and the method by which, such activity is to be carried on. The Commission may fix a fee of not less than ten (\$10.00) dollars nor more than one hundred (\$100.00) dollars for each permit issued by it.

The Air Pollution Control Commission shall have power to require the production of records and documents relevant to its work and to compel the attendance and testimony of witnesses before it.

(Rev. Ord. 1961 (Sup. 1971) c. 15 § 2; CBC 1975 Ord. T7 § 50; Ord. 1977 c. 3)

Cross References: G.L. Ch. 111 S 31C; Ord. ss 2-7.1; Ord. ss 12-1.1.

7-3 BAY VILLAGE HISTORIC DISTRICT.

7-3.1 Bay Village Historic District.

The purpose of this ordinance is to promote the educational, cultural, economic and general welfare of the public through the preservation and protection of the distinctive characteristics of buildings and places significant in the history of the City of Boston that are located in the area known as Bay Village, and through the maintenance and improvement of settings for such buildings and places and the encouragement of design compatible therewith.

There is hereby established an Historic District to be known as the Bay Village Historic District under the provisions of the Historic District Act, General Laws, Chapter 40C and Chapter 772, Acts of 1975, the boundaries of which are as shown on the map entitled "Bay Village Historic District," dated Fall, 1979, which accompanies and is hereby declared to be part of the ordinance.

(Ord. 1983 c. 18)

7-3.2 Definitions.

As used in this ordinance, the following words shall have the following meanings:

Building Commissioner shall mean Commissioner of Inspectional Services of the City of Boston or his assignee.

Commission shall mean the Bay Village Historic District Commission.

Exterior Architectural Feature shall mean the architectural style and general arrangement of such portion of the exterior of a structure as is designed to be open to view from a public way, including all elevations intended to be seen on freestanding buildings, and kind, color and texture of the building material of such portion and type of all windows, doors, lights, signs, and other fixtures appurtenant to such portion except those exempted from review in accordance with Chapter 40C of the General Laws and this ordinance.

Sign shall mean a sign, marquee, awning or other exterior feature protruding from any structure.

Structure shall mean a combination of materials assembled at a fixed location to give support or shelter, such as a building, bridge, trestle, tower, framework, retaining wall, tank, tunnel, tent, stadium, reviewing stand, platform, bin, fence, sign, flagpole or the like. The word "structure" shall be construed, where the context allows, as though followed by the words "or part thereof".

(Ord 1983 c. 18)

7-3.3 Bay Village Historic District Commission.

There is hereby established an Historic District Commission, under the provisions of the General Laws, Chapter 40C, and Chapter 772, Acts of 1975, consisting of five (5) members and three (3) alternate members to be appointed by the Mayor and confirmed by the City Council. When the Commission is first established, one member shall be appointed for a term of one year, two (2) shall be appointed for a term of two (2) years and two (2) shall be appointed for a term of three (3) years. When the Commission is first established, one alternate member shall be appointed for a term of one year, one alternate member shall be appointed for a term of two (2) years and one alternate member shall be appointed for a term of three (3) years.

Successors to members and to alternate members shall be appointed for a term of three (3) years, except that members and alternate members may be appointed during a term to fill vacancies occurring on the Commission for the remaining portion of the term.

The membership of the Commission shall be comprised of one member from two (2) nominees submitted by the Society for the Preservation of New England Antiquities; one member from two (2) nominees submitted by the Boston Society of Architects; one member from two (2) nominees serving on the Boston Landmarks

Commission; one member from two (2) nominees submitted by the Greater Boston Real Estate Board; one member, a resident of the Bay Village Historic District; two (2) alternate members from four (4) nominees who are residents of the Bay Village Historic District; one alternate member from two (2) nominees serving on the Boston Landmarks Commissions.

The Commission shall elect annually a Chair and Vice-Chair from its own number and a Secretary from within or without its number.

Alternates shall have all powers and duties of regular members when called to serve by the Chair or Vice-Chair of the Commission.

All members and alternates shall serve without compensation.

All members and alternates shall be residents of the City of Boston. It is preferred that the majority of membership be residents of the Historic District.

Without regard to Chapter 31 of the General Laws and under the provisions of Chapter 772, Acts of 1975, as amended, the City of Boston Environment Department shall provide the Commission with an administrative staff adequate to carry on the functions of the Commission as provided for in this ordinance.

Such staff shall be employees of the Environment Department, and notwithstanding the foregoing the Commission may contract directly for such professional and expert technical assistance as such business shall require.

For the purposes of Chapter 268A of the General Laws, every member of the Commission, and every person who shall, on a part-time and consultative basis, perform any professional services for the Commission, such as the services of architect, attorney, engineer, architectural historian, planner, environmentalist or expert in construction, finance, real estate or traffic, shall be deemed to be a special municipal employee.

The Commission shall adopt bylaws which specify the standards and criteria included in the Bay Village Historic District Study Report. Amendments to criteria may be established by amendments to the bylaws of the Commission.

(Ord. 1983 c. 18)

7-3.4 Administration of Historic Districts.

No building, or property, or structure within the Historic District shall be constructed, demolished, moved or altered in any way that affects exterior architectural features, and no building shall be moved into the Historic District unless the Commission shall first have issued a Certificate of Appropriateness, a Certificate of Hardship or a Certificate of Non-Applicability with respect to such construction, demolition, alteration or movement. The Building Commissioner shall not issue a permit within an Historic District unless one of the certificates noted above has first been issued by the Commission or the proposed improvement is exempted from these provisions by subsection 7-3.5.

(Ord. 1983 c. 18)

7-3.5 Exemptions to Review.

The Authority of the Commission is not extended to the review of the following:

- a. Temporary structures or signs, subject, however, to such conditions as to duration of use, location, lighting, removal and similar matters as the Commission may reasonably specify in the standards and criteria.
- b. Decorative lighting fixtures within entryways.
- c. Paint or stain of any color not on any masonry or brick surface.
- d. Ordinary maintenance or repair of an exterior architectural feature which involves no change in design, material or outward appearance thereof.
- e. Construction, reconstruction, alteration or demolition of any such feature which the Building Commissioner shall certify is required by the public safety because of an unsafe or dangerous condition.
- f. Rear elevations except on freestanding buildings.
- g. The Boston Redevelopment Authority shall administer the development of Urban Renewal Parcel R-7 in accordance with the September, 1980, Developers Kit (The Guidelines) for this parcel, whose guidelines are incorporated herein by reference. This exemption shall terminate upon completion of development, and the completed building and associated property shall then be subject to Commission jurisdiction in all respects.

(Ord. 1983 c. 18)

7-3.6 Applications for Certificates from Historic District Commission.

Any person who is required to obtain a certificate from the Commission shall file with the Commission, an application for a Certificate of Appropriateness, a Certificate of Non-Applicability, or a Certificate of Hardship, as the case may be, in such form as the Commission may reasonably determine, together with such plans, elevations, specifications, material and other information, including, in the case of demolition or removal, a statements of the proposed condition and appearance of the property thereafter, as may be reasonably deemed necessary by the Commission to enable it to make a determination on the application.

Within eight (8) days after the filing for a Certificate of Appropriateness, Saturdays, Sundays and legal holidays excluded, the Commission shall determine the properties materially affected by the application. Unless a public hearing on such application is waived in writing by all persons entitled to a notice, the Commission shall require its secretary to give, by mail, reasonable notice of a public hearing before the Commission on such application to the applicant, the owners of all property determined by the Commission to be materially affected as they appear on the most recent real estate tax list, and any persons filing a written request for notice of hearings, such requests to be renewed yearly in December.

The Commission, as soon as may be convenient following such public hearing, or the waiver thereof, but within thirty (30) days, Saturdays, Sundays and legal holidays excluded, after the filing of the application for the Certificate of Appropriateness, or within such further time as the applicant may in writing allow, shall determine whether or not the construction, reconstruction, alteration, or demolition of the exterior architectural feature is consistent with the purpose of this ordinance and whether, notwithstanding that it may be inappropriate owing to conditions especially affecting the structure involved but not affecting the Historic Bay Village District generally, failure to issue a Certificate of Appropriateness will involve a substantial hardship to the applicant and such a certificate may be issued without substantial detriment to the public welfare and without substantial derogation from the intent and purposes of this ordinance.

In passing upon appropriateness, the Commission shall consider, in addition to other pertinent factors as specified in the standards and criteria section of the bylaws, the historical and architectural value and significance, architectural style, general design, arrangement, texture and material of the exterior architectural feature involved and the relationship thereof to the exterior architectural features of other structures in the immediate neighborhood.

If the Commission determines that a Certificate of Appropriateness should be granted, the Secretary of the Commission shall issue to the applicant a Certificate of Appropriateness. If the Commission fails to make a determination within the time hereinafter prescribed, the Secretary of the Commission shall issue to the applicant a Certificate of Hardship. If the Commission determines that a certificate not be issued, then the Commission shall include in its records the reasons for such determination any recommendations it may have. The Secretary shall then, by mail, give notice of such determination to applicant and to every person filing a written request for such notice, enclosing with it an attested copy of the reasons and recommendations as contained in the records on the Commission.

Every person about to apply to the Building Commissioner for a permit to construct any structure in the Historic District or to reconstruct, alter or demolish any structure now or hereafter in said district shall deposit with the Secretary of the Commission his application for such permit together with such plans, specifications and other material as the Commission may from time to time prescribe. Within eight (8) days thereafter, Saturdays, Sundays, and legal holidays excluded, the Commission shall consider such application, plans, specifications and other material and determine whether any exterior architectural feature is involved. If it is so determined that no exterior architectural feature is involved, the Secretary of the Commission shall endorse on the application a Certificate of Non-Applicability and return the application, plans, specifications and other material to the applicant.

(Ord. 1983 c. 18)

7-3.7 Appeals.

Under the provisions of the General Laws, Chapter 40C, Section 12A, any applicant aggrieved by a determination of the Commission, may, within twenty (20) days after the filing of the notice of such determination or such finding with the City Clerk, appeal to the Superior Court for Suffolk County. The Court shall hear all pertinent evidence and shall annul the determination of the Commission if it finds the decision of the Commission to be unsupported by the evidence, or to exceed the authority of the Commission, or may remand the case for further action by the Commission, or make such other decree as justice and equity may require. The remedy provided by this section shall be exclusive; but the parties shall have all rights of appeal and exception as in other equity cases. Costs shall not be allowed against the Commission unless it shall appear to the Court that the Commission acted with gross negligence, in bad faith or with malice in the matter from which the appeal was taken. Costs shall not be allowed against the party appealing from such determination of the Commission unless it shall appear to the court that the appellant acted in bad faith or with malice in making the appeal to the court.

(Ord. 1983 c. 18)

7-3.8 Enforcement.

Whoever, without the certificate required by and effective in accordance with this act, shall undertake any construction, reconstruction, restoration, exterior execution, exterior replacement or alteration or demolition with respect to any exterior architectural feature in Bay Village Historic District shall be punished by a fine of not less than fifty (\$50.00) dollars nor more than five hundred (\$500.00) dollars, and whoever, after having received from the Commissioner appropriate notice to desist, shall, in violation of this act, permit any exterior architectural feature in the Historic District to continue to exist shall be punished by a fine of not less than fifty (\$50.00) dollars nor more than five hundred (\$500.00) dollars. A separate offense shall occur every day during any portion of which any such violation shall transpire.

Upon petition of the Commission, the Superior Court for Suffolk County may restrain any construction, reconstruction, restoration, exterior replacement, alteration, or demolition in violation of this act and may order the removal in whole or in part of any exterior architectural feature permitted to exist in violation of this act and may order the removal in whole or in part of any exterior architectural feature permitted to exist in violation of this act and may order such reconstruction or restoration as may be necessary or desirable to redress any alterations or demolition undertaken in violation of this act.

(Ord. 1983 c. 18)

7-3.9 Fees.

The fee that shall accompany an application for a Certificate of Appropriateness from the Bay Village Historic District Commission shall be set by ordinance.

(Ord. 1983 c. 18)

Cross References: Ord. ss 18-1.5(8)

7-3.10 Other Function of Commission.

The Commission shall adopt rules and regulations for the conduct of its business, not inconsistent with Chapter 40C of the General Laws, or with the purpose of this ordinance. The Commission with approval of the Mayor and City Council may receive and accept appropriations, grants and gifts for the furthering of the purposes of this ordinance. It may establish an historic marker program, publish guides, maps and other appropriate publications to illustrate historical and architectural resources of this Historic District. The Commission may propose changes in the Bay Village Historic District boundaries and additional historic districts as it deems appropriate, subject to the General Laws, Chapter 40C and to Chapter 772, Acts of 1975, as amended.

(Ord. 1983 c. 18)

7-3.11 Severability.

In case any section, paragraph or part of this ordinance be for any reason declared invalid or unconstitutional by any court of last resort, every other section, paragraph or part shall continue in full force and effect.

(Ord. 1983 c. 18)

[The Commission shall notify, by mail, all property owners in the Historic District of the establishment of the District. After passage of this ordinance, and prior to establishment of the Bay Village Historic District Commission, the Boston Landmarks Commission may assume the powers and responsibilities of the Commission. Ord. 1983 Ch. 18 Section 2]

7-4 PARKS AND RECREATION DEPARTMENT.**7-4.1 Composition of Board.**

There shall be in the City a Department, known as the Parks and Recreation Department, which shall be under the charge of a Board, known as the Parks and Recreation Commission, consisting of an officer, known as the Commissioner of Parks and Recreation, appointed by the Mayor for a term expiring on the first Monday of January following the next biennial municipal election at which a Mayor is elected, who shall be Chairman of the Board, a Deputy Commissioner likewise appointed by the Mayor for a term expiring on the first Monday in January following the next biennial election of which a Mayor is elected, and five

(5) other officers known as Associate Commissioners of Parks and Recreation, appointed by the Mayor. As the term of any Associate Commissioner expires, his successor shall be appointed by the Mayor for a term of four (4) years. Any vacancy in the office of an Associate Commissioner shall be filled by the Mayor for the unexpired term. The Associate Commissioners shall serve without pay.

(St. 1875 c. 185; Ord. 1954 c. 2 §§ 36, 37; Ord. 1970 c. 8 § 2; Rev. Ord. 1961 (Sup. 1971) c. 19 § 1; CBC 1975 Ord. T7 § 100; Ord. 1982 c. 13 § 1)

Cross Reference: Ord. ss 2-7.1.

7-4.2 Powers and Duties.

The Commissioner of Parks and Recreation shall exclusively have the powers, and perform the duties, of a Department head with respect to the making of contracts and the appointment, suspension, discharge, compensation and indemnification of subordinates for the Department; but otherwise the Board shall have the powers and perform the duties from time to time conferred or imposed on Boards of Park Commissioners of cities in Massachusetts by general laws applicable to Boston and, except as aforesaid, shall also have the powers and perform the duties conferred or imposed by law on the Board of Park Commissioners and Board of Recreation in existence immediately prior to the taking effect of Chapter 2 of the Ordinances of 1954. The Board shall further have the powers and perform the duties from time to time conferred or imposed on it by law. The Deputy Commissioner of Parks and Recreation shall have such powers and perform such duties as are from time to time imposed upon him by law or delegated to him by the Commissioner.

(Ord. 1954 c. 2 § 38; Rev. Ord. 1961 c. 19 § 2; CBC 1975 Ord. T7 § 101; Ord. 1982 c. 13 § 2)

Cross Reference: Ord. ss 11-6.1.

7-4.3 Control of Parks, Public Grounds, Baths, Beaches, Gymnasias and Convenience Stations.

The Board shall construct, improve, equip, supervise, and regulate the use of all parks, public grounds, playgrounds, baths and beaches formerly under the charge and control of the Park Commissioners, the Superintendent of Public Grounds or the Trustees of the Bath Department, or that hereafter may be placed in charge of the Parks and Recreation Department, or that may be taken by purchase or otherwise; and such other parks, playgrounds, public grounds, ways, or means for outdoor recreation as may be placed in the charge of the Department by the City, the Board of Metropolitan Park Commissioners, or the legislature, or in any other manner. The Board shall construct, improve, equip, supervise, and regulate the use of all gymnasias, bath houses, or other means for public recreation, now or hereafter provided by the City; and shall have the care, custody and control of, and shall construct, all urinals and public convenience stations upon park lands and public grounds.

(Rev. Ord. 1961 c. 19 § 3; CBC 1975 Ord. T7 § 102)

7-4.4 Control of Portions of Post Office, Dock, and Faneuil Hall Squares.

Until otherwise provided, the Parks and Recreation Commission shall improve, maintain, keep in repair, govern and regulate the portion of Post Office Square shown as "Existing Island" on Public Works Department (Survey Division) plan No. K-558A entitled "City of Boston—Post Office Sq.—Boston Proper—May 20, 1957—George G. Hyland, Commissioner of Public Works", and also the portions of Dock and Faneuil Hall Squares lying within the circle with radius of fifteen (15') feet and area of about seven hundred seven (707) square feet shown on Public Works Department Survey Division plan No. L-8626 entitled "City of Boston—Dock Sq.—Boston Proper—June 20, 1955—George G. Hyland, Commissioner of Public Works". (Ord. 1956 c. 5; Ord. 1957 c.5; Rev. Ord. c. 19 § 4; CBC 1975 Ord. T7 § 103)

7-4.5 Care of Flag Poles.

The Board shall care for, maintain and, when necessary, replace all flag poles now or hereafter erected, and shall erect such other flag poles as may be hereafter provided for, on the Common, Public Garden, parks, playgrounds, golf courses, cemeteries, public grounds, public squares and other public places controlled by the City, except public buildings, and shall provide the necessary flags therefor and display them thereon in accordance with Section 1-3 of these ordinances. (Ord. 1953 c. 4 § 2; Rev. Ord. 1961 c. 19 § 5; CBC 1975 Ord. T7 § 104)

7-4.6 Music.

The Board shall have the charge and control of the selection of public music to be given for parades, concerts, public celebrations and other purposes under appropriations of the City Council, and shall designate the persons to furnish the same.

(Ord. 1954 c. 2 § 39; Rev. Ord. 1961 c. 19 § 6; CBC 1975 Ord. T7 § 105)

7-4.7 Trees.

The Commissioner of Parks and Recreation shall have the care and superintendence of all trees, plants and shrubs belonging to the City; shall trim all shade trees standing in the street so that they shall not interfere with public travel; shall carry out all orders of the Commissioner of Public Works made after public notice and hearing to remove trees standing in the street; shall, upon request of the officer having charge of the public lamps, trim in such manner as said officer may require any tree which interferes with the proper lighting of a street; shall cause all statutes and ordinances for the protection of trees, shrubs and flowers in the public grounds and streets to be strictly observed; and shall be deemed to be the official having charge of shade trees within the meaning of Chapter 87 of the General Laws.

(Ord. 1954 c. 2 § 39; Ord. 1964 c. 3; Rev. Ord. 1961 (Sup. 1971) c. 19 § 7; CBC 1975 Ord. T7 § 106)

Cross References: G.L. c. 87; Statutes, 11 §§ 106, 158, 165, 174.

7-4.8 Promulgation of Rules and Regulations, Fixing of Penalties.

The Parks and Recreation Commission shall have the powers and duties conferred or imposed by Section 5 of Chapter 45 of the General Laws on Boards of Park Commissioners of cities in Massachusetts and by Section 3 of Chapter 185 of the Acts of 1875 on the Board of Park Commissioners created by said Chapter 185 to make rules and regulations for the government and use of the parks as defined in Section 1 of said Chapter 45 of the parkways, playgrounds, streets, structures and other premises under its charge, and to fix penalties for breaches of such rules and regulations.

(Ord. 1912 c. 10 § 8; Ord. 1969 c. 3; Rev. Ord. 1961 (Sup. 1971) c. 19 § 8; CBC 1975 Ord. T7 § 107)

Cross References: G.L. c. 45 §§ 1, 5; St. 1875 c. 185 § 3.

7-4.9 Seats on Common and Public Garden for Use of Women and Children.

The Board shall set aside and suitably designate seats on the Common and Public Garden during the months of June, July, August and September of each year for the exclusive use of women and of children under the age of twelve (12) years.

(Rev. Ord. 1961 c. 19 § 9; CBC 1975 Ord. T7 § 108)

7-4.10 Restrictions on Park Frontages.

No building or structure or any part thereof hereafter erected or altered on land which abuts on and has an entrance into and is within a distance of one hundred (100') feet from the following: The Fens (excepting Charlesgate East and Charlesgate West from a point one hundred (100') feet north from their intersection with Commonwealth Avenue to Charles River); Riverway, including Park Drive, from Brookline Avenue to Beacon Street; Commonwealth Avenue, from Arlington Street to a line drawn parallel to and one hundred thirty (130') feet west of Charlesgate West, and from a line parallel to and one hundred thirty-five (135') feet south of the southerly line of Mt. Hood Road, as extended across Commonwealth Avenue, to the Newton line; Jamaicaway; Olmsted Park; Arborway; Columbia Road on the southerly side from Sumner Street to Dorchester Avenue, and from Buttonwood Street to Marine Park, and on the northerly side from Boston Street to Dorchester Avenue, and from Buttonwood Street to Marine Park, South Boston; shall be used for a livery or public stable or public garage, or for any mechanical, mercantile or manufacturing purposes, nor, excepting churches and chapels, shall the extreme height of said buildings or structures exceed seventy (70') feet from the mean grade of the edgestone or sidewalk on the front facing said parkway, exclusive of such steeples, towers, domes, cornices, parapets, balustrades, sculptured ornaments, chimneys and roofs as the Parks and Recreation Commission shall approve; and no roof on any of the aforementioned buildings shall be used for laundry or clothes-drying purposes; provided, however, that the provision restricting the extreme height of buildings to seventy (70') feet

from the mean grade of the edgestone or sidewalk shall not apply to buildings or structures or any part thereof now being or hereafter erected or altered on the lot of land on Commonwealth Avenue known and numbered as 2000 Commonwealth Avenue; and provided also that as to the lot of land to the southwest corner of Commonwealth Avenue and Massachusetts Avenue the prohibition of the use of building for mercantile purposes shall apply only to so much of any building erected thereon as lies within fifty (50') feet of the southerly line of Commonwealth Avenue; and provided further, however, that the prohibition of the use of building for mercantile purposes shall not apply to the lot of land on Ipswich Street bounded by and making the northwest corner of Charlesgate West and Boylston Street; provided further, however, that the prohibition of the use of any said buildings and structures for a public garage and the restriction on the extreme height of said buildings or structures to seventy (70') feet shall not apply to the lot or land bounded by the Riverway, Francis Street, and Brookline Avenue; and provided further, however, that for a distance of one hundred (100') feet running westerly along Commonwealth Avenue from the northwesterly and southwesterly corners of Commonwealth Avenue where it intersects with Arlington Street, Berkeley Street, Clarendon Street and Dartmouth Street and for a further distance of forty-seven (47') feet running westerly along the southerly side of Commonwealth Avenue from the line which is one hundred (100') feet westerly of the southwesterly corner of Commonwealth Avenue where it intersects with Arlington Street, for a total distance of one hundred forty-seven (147') feet from such corner, the following provisions shall apply, anything hereinbefore contained in this section to the contrary notwithstanding:

a. Buildings on the corners at the Arlington Street intersection may be built to a height not exceeding two hundred eighty-five (285') feet to the top of the parapet or cornice line and buildings on the northwesterly and southwesterly corners at the Berkeley, Clarendon and Dartmouth Street intersections may be built to a height not exceeding two hundred (200') feet to the top of the parapet or cornice line;

b. Any building or portion of a building attached to or appurtenant to a building erected or altered to a height in excess of seventy (70') feet on any of the aforementioned eight (8) corners shall be built to a height not less than fifty (50') feet;

c. Steeples, towers, domes, balustrades, sculptured ornaments, chimneys, roofs, aeriels, antennae, elevator and mechanical penthouses, water tanks, monitors or other structures normally built above the roof and not devoted to human occupancy shall not be included in the computation of height of buildings for purposes of subparagraphs a. and b. above;

d. The prohibition of use for mercantile purposes hereinbefore contained in this section shall not apply so as to prohibit in an apartment or apartment hotel

building such accessory uses as newsstand, barber shop, dining room and similar services provided they are entered solely from within the building and no signs advertising such accessory uses shall be visible on the exterior of such building;

e. No building or structure shall hereafter be erected or altered on any of the aforementioned eight (8) corners without prior written approval by the Boston Redevelopment Authority of the exterior design of such building or structure. The Authority's review of such exterior design shall be concerned with such matters as the exterior facade, exterior materials, signs, the location of roof top structures described in subparagraph c. above, building mass and its placement on the site, the relation of the building to architectural characteristics of Commonwealth Avenue and the Back Bay, and adequacy of vehicular ingress and egress, if any. The purpose of this subparagraph e. is to insure that new buildings shall, without limiting the dimensions and building volume permitted herein and under applicable zoning regulations, be of outstanding architectural character and harmonious with Commonwealth Avenue and the Back Bay area.

(Ord. 1923 c. 8; Ord. 1941 c. 1; Ord. 1945 c. 13; Ord. 1953 c. 6 § 1; Ord. 1954 c. 2 § 80; Ord. 1961 c. 9; Ord. 1962 c. 12; Ord. 1965 c. 8; Rev. Ord. 1961 (Sup. 1971) c. 19 § 10; CBC 1975 Ord. T7 § 105; Ord. 1978 c. 10; Ord. 1984 c. 38; Ord. 1985 c. 1 § 2)

Cross References: St. 1938 c. 479; Ord. ss 9-3.3.

7-4.11 Permission for Construction Near Parks or Parkways.

No building or structure shall hereafter be erected or altered within a distance of one hundred (100') feet from park to parkway in the City of Boston, without permission in writing having first been obtained from the Parks and Recreation Commission, except that the foregoing shall not apply to any structure now being or hereafter erected or altered on the lot of land known and numbered as 2000 Commonwealth Avenue.

(Ord. 1954 c. 2 § 81; Rev. Ord. 1961 c. 19 § 11; CBC 1975 Ord. T7 § 110; Ord. 1985 c.1 § 3.)

7-4.12 Setback Requirements.

No building shall be erected or placed upon premises within the following distances from the following parks and parkways: Riverway, from Fenway to Huntington Avenue, twenty (20') feet; Jamaicaway, from Huntington Avenue to Perkins Street, twenty (20') feet; Jamaicaway, from Perkins Street to Prince Street, twenty-five (25') feet; Arborway, from Prince Street to Washington Street, twenty-five (25') feet; Arborway, north side, from Washington Street to Franklin Park, twenty-five (25') feet; Arborway, south side, from Washington Street to Franklin Park, ten (10') feet; Olmsted Park along the northwesterly boundary, from Chestnut Street to Francis Parkman Drive, twenty (20') feet; Park Drive on the Riverway, from Brookline Avenue to Boston and Albany Railroad, twenty (20') feet; Park Drive on the Riverway, from Boston and Albany Railroad to Beacon Street,

fifteen (15') feet; Commonwealth Avenue, from Arlington Street to Beacon Street, twenty (20') feet; the Fens, twenty (20') feet (excepting Charlesgate East from Boylston Street to the Charles River, and Charlesgate West from Boston and Albany Railroad to the Charles River, and Boylston Street, south side, from Hemenway Street to Fenway); Charlesgate East from Boylston Street to Ipswich Street, ten (10') feet; and Boylston Street, south side, from Hemenway Street to Fenway, fifteen (15') feet; provided that steps, windows, porticos, and other usual projections appurtenant to the front wall of a building shall be allowed where there is a reserved space; that no projections in the nature of a bay window, corner bay, circular front, or octagon front, with the foundation wall sustaining the same (such foundation wall being a projection of the front wall), shall be allowed (excepting oriel windows above the first story on a street corner), unless any horizontal sections of such projections would fall within the external lines of trapezoids, the sum of whose bases upon the rear line of the aforesaid space does not exceed seven-tenths (.7) of the whole front of the building, and the base of any one of which trapezoids does not exceed eighteen (18') feet, and whose side lines make an angle of forty-five (45°) degrees with the base; and each house in a block shall be considered a separate building within the meaning of this section; provided, however, that the provisions hereof shall not apply to the lot of land on Ipswich Street bounded by and making the northwest corner of Charlesgate West and Boylston Street.

(Ord. 1949 c. 1; Ord. 1953 c. 6 § 2; Rev. Ord. 1961 c. 19 § 12; CBC 1975 Ord. T7 § 111)

7-4.13 Further Setback Requirements.

No building shall be erected or placed upon premises within twenty (20') feet from the exterior line of parks and parkways, on the Dorchesterway and Strandway, except from Preble Street to Old Harbor Street and except from P Street to Farragut Road; provided, that steps, windows, porticos and other usual projections appurtenant to the front wall of a building are to be allowed in this reserved space of twenty (20') feet, subject to the following limitations, viz.: First, that no projections of any kind (other than doorsteps and balustrades connected therewith, and also piazzas projecting not more than eight (8') feet) shall extend more than five (5') feet from the rear line of the aforesaid space; second, that no projections in the nature of a bay window, corner bay, circular front, or octagon front, with the foundation wall sustaining the same (such foundation wall being a projection of the front wall), will be allowed (excepting oriel windows above the first story on a street corner), unless any horizontal sections of such projections would fall within the external lines of trapezoids, the sum of whose bases upon the rear line of the aforesaid space does not exceed seven-tenths (.7) of the whole front of the building, and the base of any one of which trapezoids does not exceed eighteen (18') feet, and whose side lines make an angle of forty-five (45°) degrees

with the base; and each house in a block shall be considered a separate building within the meaning of this limitation.

(Ord. 1939 c. 3; Ord. 1949 c. 2; Rev. Ord. 1961 c. 19 § 13; CBC 1975 Ord. T7 § 112)

Cross Reference: St. 1938 c. 479 (Boston Building Code).

7-5 CEMETERY DIVISION.

7-5.1 Cemetery Division.

The Board shall exercise the powers and perform the duties provided by statute or ordinance to be exercised and performed by the trustees of the Cemetery Department, and shall create a Division to be known as the Cemetery Division of the Parks and Recreation Department.

(Ord. 1920 c. 13; Ord. 1954 c. 2 § 40; Rev. Ord. 1961 c. 19 § 14; CBC 1975 Ord. T7 § 113)

7-5.2 Regular Cemetery Hours.

Regular cemetery hours are hereby established as 8:00 a.m. until 3:00 p.m., and all cemeteries and burial grounds currently used for interments shall be open for interments and removals during those hours, Monday through Friday, and from 9:00 a.m. until noon on Saturday, legal holidays excepted, and at such other times as the Board may provide.

(Ord. 1981 c. 31)

7-5.3 Deeds for Lots; Restrictions.

The Board may determine the payments to be made for cemetery lots, or for the perpetual or other care thereof. The Chairman of the Board, after payment therefor has been made to its secretary, may execute and deliver to the person or persons by or for whom the payment has been made, a deed of the City conveying the exclusive right of burial of human dead in, and of placing and maintaining tombs, cenotaphs, and monuments, authorized by the Board or Officer having, at the time of placing the same, charge of the cemetery, upon the lot or subdivision described in the deed, and shall cause the deed to be recorded in the office of the Board. Every such conveyance shall be subject to the following restrictions, or such other regulations and restrictions relating to said cemetery or the lots therein as shall from time to time be established by the City by ordinance.

Restrictions:

1. The owner shall use the lot only for the purposes stated in his deed thereof.

2. The owner shall not, for hire, deposit or allow to be deposited in said lot the remains of any person.

3. The owner shall not, without the consent of said Board or Officer, remove, or allow to be removed, the remains of any person deposited in said lot.

4. The owner shall not, without the consent of said Board or Officer, place or allow to be placed on, or remove or allow to be removed from, said lot any tomb, cenotaph or monument, or any hedge, tree, fence, curb, or other ornament.

5. The owner shall remove from the cemetery any unauthorized structure or other thing on said lot and said Board or Officer may so remove at the expense of the owner any such structure or other thing, or any tree, shrubs, flower, fence, curb, or other ornament not removed within the time stated in a notice from said Board or Officer; and the owner shall comply with all rules and regulations of said Board or Officer relating to said cemetery or lot.

6. The owner shall convey said lot only as a whole, and shall never divide said lot, and if there are two (2) or more owners they shall designate in writing one of their number to represent the lot, and while they neglect so to do said Board or Officer may designate the one to represent the lot.

(Rev. Ord. 1961 c. 19 § 15; CBC 1975 Ord. T7 § 114)

7-5.4 Agreement for Perpetual Care.

The Chairman of the Board, after payment to the Collector-Treasurer for the City, for keeping in repair any lot in any cemetery or other burial-ground owned by the City, may execute and deliver to the person by or for whom the payment has been made an agreement that the City shall keep the lot, and the structures and grass thereon, in a good and neat condition forever, or during the period specified in the agreement, so far as the same can be done by the expenditure of the amount equal to four (4%) percent per annum of the amount of money so paid from the time of such payment; and the Board shall cause all such agreements to be faithfully carried out.

(Ord. 1954 c. 2 § 41; Rev. Ord. 1961 c. 19 § 16; CBC 1975 Ord. T7 § 115)

7-6 FREEDOM TRAIL COMMISSION.

No Ordinances Apply. See Special Statutes.
(CBC 1975 Ord. T7)

7-7 TRAFFIC AND PARKING DEPARTMENT.*

7-7.1 Establishment of Department.

There shall be in the City a Department, known as the Traffic and Parking Department, as provided in the charter as that term is defined in clause Fifth of Section 7 of Chapter 4 of the General Laws.

(Ord. 1960 c. 10 § 1; Ord. 1962 c. 9 §§ 4, 5, 6; Rev. Ord. 1961 (Sup. 1971) c. 24 § 1; CBC 1975 Ord. T7 § 200)

Cross Reference: G.L. c. 4 § 7 Clause Fifth.

7-7.2 Commissioner to Place Street Signs.

The Commissioner of Traffic and Parking* shall place and maintain in one or more suitable, conspicuous places, to be selected by him, on each street in the City, one or more signs showing the name of the street.

(Ord. 1962 c. 9 §§ 4, 5, 6; Rev. Ord. 1961 (Sup. 1971) c. 24 § 2; CBC 1975 Ord. T7 § 201)

Cross References: Ord. ss 8-7.1; Ord. Section 11-6.

7-7.3 Removal of Stolen Motor Vehicles.

The Traffic and Parking Commission*, by any rule or regulation adopted under this section, may authorize, with such limitations, if any, as the Commission may think proper, the Police Commissioner of the City, or such sergeants or officers of higher rank in the Police Department of the City as he may from time to time designate, to remove to some convenient place, through the agency of a person or persons in the employ of the Police Department of the City, or by an independent contractor selected on the basis of competitive bids invited by advertisement in the City Record, as said Police Commissioner shall from time to time determine, any stolen or misappropriated motor vehicle when the owner of record has requested such removal. Any rule or regulation adopted under this section shall be in no way inconsistent with Chapter 263 of the Acts of 1929, as amended.

(Ord. 1973 c. 8; CBC 1975 Ord. T7 § 202)

Cross References: St. 1929 c. 263; St. T11 § 25.

7-8 MOTOR VEHICLE MANAGEMENT BUREAU.*

7-8.1 Division Established; Duties.

A Division to be known as the Motor Vehicle Management Bureau (herein referred to as MVMB) shall be established in the Traffic and Parking Department.

***Editor's Note:** The powers and duties of the Traffic and Parking Commission, the Traffic and Parking Commissioner and the Traffic and Parking Department were assumed by the Transportation Commission, the Transportation Commissioner and the Transportation Department respectively under the provisions of s. 20 of Ch. 608 of the Acts of 1986.

The MVMB shall be responsible for the acquisition by purchase or otherwise and for the assignment, maintenance and disposal for all motor vehicles owned by, or leased, loaned or otherwise provided to the City, excepting vehicles owned or leased by the Fire or Police Departments, which Police or Fire Department vehicles shall not be used except for the purposes of said Department.

(Ord. 1979 c. 33)

7-8.2 Director, Additional Staff.

The MVMB shall be headed by a Director who shall be appointed by the Commissioner of Traffic and Parking* in accordance with the provisions of Chapter 31 of the General Laws of Massachusetts.

Additional staff of the MVMB shall be appointed in accordance with M.G.L. Chapter 31 in like manner by the Commissioner when the Commission deems the workload warrants such additional personnel.

(Ord. 1979 c. 33)

7-8.3 Requests.

All Department requests for new vehicles or allocation or assignment of existing vehicles or optional equipment for such vehicles shall be received by the Director of the MVMB and either approved or disapproved by said Director.

(Ord. 1979 c. 33)

7-8.4 Motor Vehicle List.

The Director annually as of April 1 shall compile a list of all said City motor vehicles owned, leased or otherwise used by the City denoting the Department to which assigned, the vehicle's make, model, engine size, optional equipment, registration, and the individual assigned to the vehicle. Said list shall be kept on file at the MVMB and be open for public inspection during the regular business hours, and a copy thereof shall be forwarded to the City Council on or before the following April 15.

(Ord. 1979 c. 33)

7-8.5 Off-Duty Use.

No such City-owned, leased, or otherwise used vehicle shall be assigned or allowed to be used by any employee when such person is off duty or not on authorized commutation. Persons authorized to use vehicles for commutation shall

*Editor's Note: The powers and duties of the Traffic and Parking Commission, the Traffic and Parking Commissioner and the Traffic and Parking Department were assumed by the Transportation Commission, the Transportation Commissioner and the Transportation Department respectively under the provisions of s. 20 of Ch. 608 of the Acts of 1986.

be recommended by respective Department Heads who shall certify in writing, giving specific reasons, why said Department Head finds the use of such vehicles for commutation purposes to be in the City's and public's interest.
(Ord. 1979 c. 33)

7-8.6 Garaging of Vehicles.

Except by specific written authorization of the Director, no vehicle is to be garaged outside of the City on a regular basis.
(Ord. 1979 c. 33)

7-8.7 Rules and Regulations.

In order to implement this ordinance the Director shall be empowered and directed to make and publish rules and regulations consistent herewith.
(Ord. 1979 c. 33)

7-8.8 Credit Card Use.

No City Agency or Office shall be authorized to use credit cards for purchase of fuel or automotive supplies and services for said vehicles unless expressly so authorized by ordinance.
(Ord. 1979 c. 33)

7-9 ANIMAL CONTROL COMMISSION.

7-9.1 Commissioner; Appointment, Term, Compensation, Etc.

There shall be in the City a Commission, known as the Animal Control Commission, consisting of the Commissioner of Health and Hospitals, the Police Commissioner, and the Commissioner of Parks and Recreation, or their respective designees, the Dog Officer or the President of the Domestic Charitable Corporation from time to time performing by contract the duties of Dog Officer in accordance with Section 151 of Chapter 140 of the General Laws, or the designee of such Dog Officer or of the president of such corporation, and nine (9) persons appointed by the Mayor from the public at large each for a term expiring on the first Monday of the January following the next biennial election at which a Mayor is elected. At least one of the persons so appointed by the Mayor shall be a registered veterinarian authorized to practice veterinary medicine in the Commonwealth of Massachusetts. Any vacancy in the office a member of the Commission shall be filled by the Mayor for the unexpired term. Members of the Commission shall serve without compensation but shall be reimbursed for expenses necessarily incurred in the performance of their duties. Members of the Commission are hereby classified as special municipal employees for the purposes of Chapter 268A of the General Laws.

The Mayor shall from time to time designate one of the members of the Commission as Chairman. The Commission shall elect a Vice-Chairman by majority vote. The Mayor shall designate a full-time executive secretary of the Commission. Subject to the availability of an appropriation therefor, the Commission may appoint such additional officers, agents, or servants as may be necessary to enable it to perform its duties.

(Ord. 1972 c. 16 § 1; CBC 1975 Ord. T7 § 300)

Cross References: Ord. ss 2-7.1; Ord. ss 5-5.6; Ord. ss 14-5.1; G.L. c. 140 § 151; G.L. c. 268A.

7-9.2 Powers and Duties of Commission.

The Animal Control Commission shall meet at least once each month; shall coordinate to the fullest extent possible the work of all public and private agencies concerned with animal care, protection, and control; shall effect an ongoing dialogue and exchange of views between and among such agencies; may conduct either independently or in conjunction with any appropriate person or agency, public or private, such educational programs relating to animal control as it shall deem necessary or desirable; shall collect and publish statistics relating to the animal population of the City; shall determine the City's needs in connection with animal control; shall prepare and may from time to time amend a long-range plan to meet such needs; shall prepare estimates of the cost of executing such plan and the several component measures thereof; shall recommend to the appropriate boards and officers of the City such actions as may be necessary for the implementation of such plan; and shall monitor the carrying out of such actions.

(Ord. 1972 c. 16 § 2; CBC 1975 Ord. T7 § 301)

7-9.3 Animal Spay and Neuter Clinic.

The Animal Control Commission shall establish and maintain a clinic in the City at one or more locations for the purpose of offering to residents the services commonly called spaying and neutering of animals, and which shall be known as the Boston Animal Spay and Neuter Clinic. The clinic shall be under the charge of a Director, who shall be a registered veterinarian authorized to practice veterinary medicine in the Commonwealth of Massachusetts. Fees for the services of the clinic shall be fixed by ordinance. Any person seeking such service shall in writing certify his ownership of the animal, shall in writing agree to hold harmless the Director and employees of the clinic, and the City for any death of or injury to such animal. Any dog not licensed shall be licensed prior to being retrieved by its owner. Any animal not retrieved by its owner may be disposed of by the Director in accordance with the provisions of Section 151A of Chapter 140 of the General Laws except by use of firearms.

(Ord. 1975 c. 16; CBC 1975 Ord. T7 § 302)

CHAPTER VIII

DEVELOPMENT

8-1 PUBLIC FACILITIES DEPARTMENT.

8-1.1 Power to Designate Community Schools.

In addition to the powers conferred upon it by Chapter 642 of the Acts of 1966, the Public Facilities Commission shall have the power to designate as a Community School any schoolhouse constructed, reconstructed, or remodeled under the provisions of Section 3(c) of said Chapter 642. Such power shall be exercised before the care, custody, and control of any such schoolhouse shall have been transferred to the School Committee. The Public Facilities Commission shall also have the power, with approval of the School Committee, to designate as a Community School any schoolhouse the care, custody, and control whereof shall have been transferred to or shall rest with the School Committee, whether or not such schoolhouse was constructed, reconstructed, or remodeled under the provisions of said Section 3(c).

(Ord. 1972 c. 18; CBC 1975 Ord. T8 § 1)

Cross References: St. 1966 c. 642 § 3(c); Ord. Section 19-1.

8-1.2 Community School Program.

The Public Facilities Commission shall further have the power to conduct a Community School Program in any schoolhouse designated as a Community School whether or not the care, custody, and control thereof shall have been transferred to or shall rest with the School Committee, and for such purpose may exercise any power conferred upon it by Chapter 642 of the Acts of 1966. Without limitation on the generality of the foregoing the Public Facilities Commission may for the purpose of conducting a Community School Program at any schoolhouse designated as Community School make, with the approval of the Mayor, such agreements or contracts with persons, firms, corporations, and governmental agencies, including the School Committee, as may be necessary or convenient for the carrying out of such Community School Program, and said Public Facilities Commission shall exercise its power hereunder in cooperation with the School Committee and other affected departments of the City. These departments shall include, but not be limited to, the Parks and Recreation Department, the Mayor's

Office of Human Rights, the Youth Activities Commission, and the Office of Cultural Affairs.

(Ord. 1972 c. 18; CBC 1975 Ord. T8 § 2)

Cross References: St. 1966 c. 642; Ord. Section 2-7; Ord. Section 7-4; Ord. Section 12-6; Ord. Section 19-1.

8-1.3 Community School Councils.

The Public Facilities Commission shall establish, in conjunction with representatives designated by existing Community School Councils, guidelines for the creation and implementation of Community School Councils in each area served by a Community School. These councils are to be composed of individuals representative of the residents of the area and the users of the facilities of the school. The Public Facilities Commission shall recognize such a Community School Council and will accept and act on recommendations from such councils in matters relating to personnel, program, and budget, as well as in areas of general policy. The Public Facilities Commission shall, within thirty (30) days after the receipt of recommendations in writing from a Community School Council, notify such Community School Council as to the adoption or rejection of such recommendations, and shall inform such Community School Council of a timetable for the implementation of adopted recommendations; community involvement in the decision-making process shall apply to every phase of the Community School Program.

(Ord. 1972 c. 18; CBC 1975 Ord. T8 § 3)

8-1.4 Maintenance and Repair Powers of School Committee.

Nothing in this ordinance shall be interpreted as abridging the exclusive power and authority of the School Committee to perform necessary alterations (as defined in Section 3 of Chapter 642 of the Acts of 1966), maintenance, and repairs of public school buildings and their yards and furnishings, nor the employment of schoolhouse custodians.

(Ord. 1972 c. 18; CBC 1975 Ord. T8 § 4)

Cross Reference: Ord. Section 19-1.

8-2 BOSTON URBAN HOMESTEAD PROGRAM.

8-2.1 Urban Homestead Program.

There shall be, within the Public Facilities Commission created by Chapter 642 of the Acts of 1966, a Committee to be known as the Boston Urban Homestead Committee, which shall consist of all the members of said Commission, the City Auditor or his designee, one member appointed by the Mayor for a term of five (5) years from two (2) nominees of the Greater Boston Real Estate Board, one member

regularly employed as a mortgage-lending officer of an institution subject to the terms of Section 52 of Chapter 167 of the General Laws to be appointed by the Mayor for a period of five (5) years, the Commissioner of Real Property or his designee, and two (2) low-income residents of the City appointed by the Mayor for a term of five (5) years who neither own, directly or indirectly, or manage real property to a greater extent than three (3) housing units. The members appointed by the Mayor (except for those serving ex officio) shall be deemed to be Special Municipal Employees for the purposes of Chapter 268A of the General Laws. All members shall serve without compensation. Any vacancy shall be filled in like manner as the member vacating the appointment, for a similar term as the original appointee. The Director of the Commission shall serve as Director of the Committee, without further compensation.

(Ord. 1973 c. 13; CBC 1975 Ord. T8 § 6)

Cross References: St. 1966 c. 642; G.L. c. 167 § 52; Ord. Section 6-1; Ord. Section 8-1; Ord. ss 11-7.1.

8-2.2 Powers and Duties of Committee.

The said Committee shall from time to time prepare and distribute lists of City-owned residential structures, which for the purposes of this ordinance shall be determined to be buildings containing at least one (1) and not more than four (4) dwelling units, and not more than one (1) business or commercial unit. Upon application of any person who is a bona fide resident of the City of Boston, or on its own initiative, the Committee shall determine whether any such structure is suitable for rehabilitation under the Urban Homestead Program. In the event that the Committee determines the structure suitable it shall request the Commission to assume the care, custody, and control of the same from the Real Property Department and, if in the opinion of the Commission the same is not needed for municipal purposes nor likely to be used for a public purpose, the structure (and the parcel of land on which it is situated) shall be declared available for lease and sale under the provisions of the Urban Homestead Program. The said Committee shall prepare, and from time to time amend, a standard leasehold agreement to be executed for consideration of one (\$1.00) dollar by individuals taking an interest in any such structure. Every such agreement shall provide that the lessee shall reside in the demised structure for a period of not less than five (5) years from the date that the Commissioner of Housing Inspection shall certify the same to be in compliance with the State Sanitary Code as applies to residential structures and the Building Commissioner shall certify the same to be in compliance with the terms of the building code then in effect (considering any allowances the code may make for preexisting conditions or construction), whichever is later. The said agreement shall provide that, unless the Committee shall extend the time, the lessee shall do everything necessary to secure such certificates, and shall actually obtain such certificates, within eighteen (18) months of the execution of such agreement. The said agreement shall further provide that no tax or payment in

lieu of tax shall be due to the City for a period of sixty (60) months after execution, and that a payment in lieu of tax, approximately equal to one-twelfth (1/12) of the tax that would ordinarily be assessed on that building in the then-current year, shall be payable to the City as an ordinary debt of the lessee for each month over sixty (60) months that the lease is in effect, and that the City shall, at the end of the month of December following the expiration of sixty (60) months from the later of the dates of certificate, execute and deliver to the lessee for a consideration of one (\$1.00) dollar a deed conveying title in fee simple to said premises. In the event that a lessee has obtained a mortgage from an institution subject to the terms of Section 52 of Chapter 167 of the General Laws, and has used the proceeds thereof solely for the purposes of rehabilitating said premises, the City shall agree to subjugate its rights to said premises in case of default, and shall agree that in such case it will execute and deliver a deed conveying title in fee simple to such institution, provided that the said institution shall dispose of such property in like manner as foreclosed real estate and shall pay over any part of the proceeds of such disposition as shall exceed the amount remaining to be paid on account of such a mortgage, together with the actual cost of such sale, to the City of Boston. The Committee shall from time to time, with the approval of the Mayor and City Council, promulgate, amend, and repeal reasonable regulations for the conduct of the Urban Homestead Program not inconsistent with this section. The aforementioned leasehold agreement shall be in a form approved by the Mayor and City Council and shall be executed by the said Commission in the name of the City without the further approval of any Board, Officer, or of the City Council. The Committee may, without further approval, accept by gift, title to any property situated in Boston it deems suitable for the Urban Homestead Program provided the same is conveyed to it clear of any mortgage, lien, attachment, or other encumbrance which would prevent the lease or conveyance of the same as aforesaid.

(Ord. 1973 c. 13 § 2; CBC 1975 Ord. T8 § 7)

Cross References: Ord. Section 2-7; Ord. Section 2-8; Ord. Section 3-1; Ord. Section 9-1; Ord. ss 11-7.6; St. 1938 c. 479.

8-2.3 Application for Lease.

The Committee shall receive from any person, except any person who has in the five (5) years next preceding owned, directly or indirectly, any parcel of land in the City of Boston which was subject of a taking by the said City, duly recorded in the Suffolk County Registry of Deeds, by reason of nonpayment of a tax or lawful charge or assessment, applications for participation in the Urban Homestead Program. The Committee shall satisfy itself that the applicant has the ability to rehabilitate the structure which the applicant proposes to lease. In arriving at its determination, the Committee shall consider the following:

- a. The condition of the structure;

- b. The personal abilities of the applicant;
- c. Assets of the applicant;
- d. Mortgage commitments;
- e. Availability of financing.

In the event the Committee so satisfies itself, it shall declare the applicant eligible to lease the structure applied for.

(Ord. 1973 c. 13 § 3; CBC 1975 Ord. T8 § 8)

8-2.4 Decisions by Committee.

In the event that only one person has made application for a particular structure, and has been found eligible to lease the same, the Committee shall execute and deliver a lease as aforesaid, and, in the event that more than one applicant has been determined to be so eligible to lease a particular building, the said Committee shall conduct a drawing by lot, open to the public, and shall execute and deliver a lease to that applicant so selected, provided however, that no lease shall be executed unless the particular property to be demised has been advertised in a newspaper of general circulation in the City at least twice, seven (7) days apart, the second advertisement to be published at least fourteen (14) days before the last date for applications to be filed.

(Ord. 1973 c. 13 § 4; CBC 1975 Ord. T8 § 9)

8-2.5 Consent of Committee.

Any lease given hereunder may be assigned with the consent of the Committee, which shall not be unreasonably withheld. The Committee may terminate a lease or make other equitable adjustment in the case of death or disability of the lessee.

(Ord. 1973 c. 13 § 5; CBC 1975 Ord. T8 § 10)

8-2.6 Cooperation by Committee, Building Commissioner, and Commissioner of Housing Inspection.

The Building Commissioner and the Commissioner of Housing Inspection shall offer all reasonable assistance to lessee hereunder and the Committee, which assistance, without limiting the generality of the foregoing, shall include periodic inspection of the premises, the issuance of certificates as aforesaid, technical assistance in the preparation of building permit applications, consultation on applicable law, rehabilitation procedures and technique.

(Ord. 1973 c. 13 § 6; CBC 1975 Ord. T8 § 11)

Cross References: Ord. Section 9-1; St. T9 §§ 50, 56, 57.

8-2.7 Preference in Selecting Prospective Purchasers.

In the selection of the prospective purchasers of the buildings which are the subject of this ordinance, preference shall be given to the bona fide resident

applicants of the neighborhood in which the building is situated. If there are no applicants from the neighborhood in which the building is situated, then the selecting authority may select any resident applicant of Boston as a purchaser, the selection of these prospective applicants to be subject to the approval of a local Selection Board appointed by the Mayor of the City of Boston.

(Ord. 1973 c. 13 § 7; CBC 1975 Ord. T8 § 12)

8-2.8 Urban Homesteading Under the Housing and Community Development Act of 1974.

Notwithstanding the foregoing, the Boston Redevelopment Authority and the Office of Community Development may conduct an Urban Homestead Program under the provisions of Section 810 of the Housing and Community Development Act of 1974 provided that such program is conducted consistent with an order adopted by the City Council on February 9, 1976, and provided further that selection of applicants is done in a manner consistent with both that order and subsections 8-2.4, 8-2.5, 8-2.6 and 8-2.8 hereof, except that the duties that would pertain to the Committee shall be exercised by the Office of Community Development.

The said Office of Community Development shall from time to time, subject to the approval of the Mayor and City Council, promulgate, amend, and repeal reasonable regulations not inconsistent with this section.

(Ord. 1976 c. 2)

8-3 BOSTON REDEVELOPMENT AUTHORITY.

No Ordinances Apply. See Special Statutes.

(CBC 1975 Ord. T8 c. 3)

8-4 ECONOMIC DEVELOPMENT AND INDUSTRIAL CORPORATION.

No Ordinances Apply. See Special Statutes.

(CBC 1975 Ord. T8 c. 5)

8-5 DEVELOPMENT AND INDUSTRIAL COMMISSION.

8-5.1 Composition of Board.

There shall be in the City a Board, known as the Development and Industrial Commission, consisting of fifteen (15) Commissioners appointed by the Mayor. The Development and Industrial Commissioners shall serve for a term of five (5) years. As the term of any Commissioner expires, his successor shall be appointed by the

Mayor for a term of five (5) years. Any vacancy in the office of a Commissioner shall be filled by the Mayor for the unexpired term.

The Mayor shall from time to time designate one of the Commissioners as Chairman and the other as Vice-Chairman. The Commission shall elect a Secretary who need not be a Commissioner.

The Commissioners shall serve without compensation, but shall be reimbursed for expenses necessarily incurred in the performance of their duties. The Commissioners shall be deemed to be special municipal employees for the purposes of Chapter 268A of the General Laws.

(Ord. 1969 c. 2; Rev. Ord. 1961 (Sup. 1971) c. 10B § 1; CBC 1975 Ord. T8 § 300)

Cross References: G.L. c. 268A; Ord. Section 2-7.

8-5.2 Executive Director; Employees.

The Mayor may, upon nomination of the Development and Industrial Commission, appoint an Executive Director for such Commission, who shall serve at the pleasure of the Mayor and receive such compensation for his services as the Commission, with the approval of the Mayor, shall from time to time determine. The Commission may employ such other experts, assistants and employees as the Commission may think necessary or expedient.

(Rev. Ord. 1961 (Sup. 1971) c. 10B § 2; CBC 1975 Ord. T8 § 301)

Cross Reference: Ord. Section 2-7.

8-5.3 Powers and Duties.

The Development and Industrial Commission shall conduct research into industrial conditions, investigate and assist in the establishment of educational or commercial projects, including projects involving private enterprise, for the purpose of expanding or strengthening the local economy, and shall seek to coordinate the activities of unofficial bodies organized for said purposes, and may advertise, prepare, print and distribute books, maps, charts, and pamphlets which in its judgment will further the purposes for which it is established. The Commission shall have such other powers and perform such other duties as may from time to time be conferred or imposed by Section 8A of Chapter 40 of the General Laws.

(Rev. Ord. 1961 (Sup. 1971) c. 10B § 3; CBC 1975 Ord. T8 § 302)

Cross Reference: G.L. c. 40 § 8A.

8-6 INDUSTRIAL DEVELOPMENT FINANCING AUTHORITY.

No Ordinances Apply. See Special Statutes.

(CBC 1975 Ord. T8 c. 9)

8-7 PUBLIC IMPROVEMENT COMMISSION.

8-7.1 Composition of Board; Powers and Duties.

There shall be in the Public Works Department a Board known as the Public Improvement Commission, consisting of the Commissioner of Public Works, the Commissioner of Real Property, the Commissioner of Traffic and Parking* and the Building Commissioner, ex officio. The Public Improvement Commission shall be subject to the supervision or control of the Commissioner of Public Works except as he acts as a member of said Commission; but unless otherwise ordered by the Mayor, the Public Improvement Commission shall not communicate with the Mayor, or make any annual or other report, except through the Commissioner of Public Works. The Public Improvement Commission shall have all powers and perform all duties conferred or imposed by statute on the Board of Street Commissioners except (a) those conferred or imposed on the Committee on Licenses in the Public Safety Commission by subsection 14-2.1, (b) those conferred or imposed on the Commissioner of Public Works by subsection 11-6.1 and (c) those conferred or imposed on the Real Property Board by subsection 11-7.1.

(Ord. 1954 c. 2 § 57; Ord. 1962 c. 9 § 3; Rev. Ord. 1961 (Sup. 1971) c. 21 § 36; CBC 1975 Ord. T8 § 500; Ord. 1976 c. 10)

Cross References: St. 7 § 201; St. 11 cs. 1, 5, 7; St. 14 c. 3

8-8 CREATING THE EMPLOYMENT AND ECONOMIC POLICY ADMINISTRATION.

8-8.1 Creation of EEPA; Appointment of Administrator.

In accordance with City of Boston Code, Ordinances, subsection 2-12.3, there is hereby created a City Department to be known as the Employment and Economic Policy Administration (hereinafter "EEPA") which shall be under the charge of an officer, known as the Administrator, appointed by the Mayor for a term expiring on the first Monday of January following the next biennial municipal election at which a Mayor is elected, who shall have the powers and perform the duties imposed upon him by law.

(Ord. 1980 c. 17 § 1)

8-8.2 Authority of Administrator.

Subject to fundings, the Administrator shall be the appointing authority and from time to time shall establish within the Department such divisions and administrative units within such divisions as may be necessary for the efficient and economical administration of the Department, and when necessary for such

*Editor's Note: The powers and duties of the Traffic and Parking Commission, the Traffic and Parking Commissioner and the Traffic and Parking Department were assumed by the Transportation Commission, the Transportation Commissioner and the Transportation Department respectively under the provisions of s. 20 of Ch. 608 of the Acts of 1986.

purpose, he may abolish any such division, or he may merge any two (2) or more of them, and may abolish or merge any such other administrative units within divisions as he may deem advisable. The Administrator shall prepare and keep current a statement of the organization of the Department, of the assignment of functions to its various administrative units, offices, and employees, and of the places at which, and the methods whereby, the public may receive information or make requests. The Administration shall annually on or before the fifteenth (15th) of August provide to the Mayor and to the City Council a detailed report of the activity of the agency, its projects and plans, and comments on its progress in attacking and solving the problem of unemployment.

(Ord. 1980 c. 17 § 2)

8-8.3 Purpose.

The Employment and Economic Policy Administration shall develop and administer programs in conjunction with Federal, State and local government, private industry and nonprofit organizations to employ more Bostonians and to improve the general economic well-being of the City. In order to accomplish these ends, the Employment and Economic Policy Administration shall develop and administer programs to:

- a. Train and educate chronically unemployed Boston residents;
- b. Establish referral and placement opportunities in unsubsidized jobs in private and public sector employment for Boston residents;
- c. Encourage increased job development in the City, including technical assistance to private industry to hire and train more Boston residents;
- d. Establish specialized programs to assist handicapped and young people in obtaining meaningful employment opportunities to promote their career development;
- e. Coordinate with private and public school systems to assist people in obtaining marketable job skills and training as part of their education;
- f. Apply for and expend federal, state and/or other grants to assist in these ends in conjunction with the approval of the Mayor and City Council.

(Ord. 1980 c. 17 § 3)

8-8.4 Use of Funds.

No more than twenty percent (20%) of the annual operating budget of the Employment and Economic Policy Administration may be expended on administrative staff and overhead costs. In any case, no more than two hundred eighty (280) administrative personnel, all of whom shall be residents of Boston, may be employed by the Employment and Economic Policy Administration after December 31, 1980.

All administrative staff positions in EEPA shall be filled and held subject to the receipt by the City of funds from the United States for the various programs set forth in subsection 8-8.3. All qualified residents of the City shall have an equal opportunity for appointment to such positions and shall enjoy equal protection in the holding of such positions.

(Ord. 1980 c. 17 § 4)

8-9 ESTABLISHING THE BOSTON RESIDENTS JOBS POLICY.

8-9.1 Definitions.

The following words as used in this ordinance shall, unless the context otherwise requires, have the following meanings:

Agency shall mean the unit of government, within the structure of the City of Boston that is responsible for the application, administration and execution of Community Development Block Grants, projects in the area of housing and employment, and federal affirmative action programs, currently the Neighborhood Development and Employment Agency.

Contract Compliance Office shall mean that office within the structure of the City of Boston government that has purview over the areas of compliance and enforcement for federal, state and/or local affirmative action programs.

Minority person shall mean and include those persons who are Black, Hispanic, Asian, or native American.

Resident shall mean any person for whom the principal place where that person normally eats and sleeps and maintains his or her normal personal and household effects is within the City limits for the City of Boston.

(Ord. 1983 c. 30 § 2)

8-9.2 Policy.

a. On any construction project funded in whole or in part by City funds, or funds which, in accordance with a federal grant or otherwise, the City expends or administers, or which the City is a signatory to the construction contract, the worker hours on a craft-by-craft basis shall be performed, in accordance with the contract documents provided for in paragraph b. below, as follows:

1. At least fifty (50%) percent of the total employee manhours in each trade shall be by *bona fide* Boston residents;

2. At least twenty-five (25%) percent of the total employee manhours in each trade shall be by minorities;

3. At least ten (10%) percent of the total employee manhours in each trade shall be by women.

For purposes of this paragraph worker hours shall include work performed by persons filling apprenticeship and on-the-job training positions.

b. In order to insure compliance with the ordinance, the provisions of the City of Boston Supplemental Minority participation and Residents Preference Section shall be included by each City Department in all contracts with any private corporation or individual for construction projects covered by this ordinance.
(Ord. 1983 c. 30 § 3)

8-9.3 Compliance, Enforcement, Sanctions.

a. The agency, as defined in subsection 8-9.1, shall be designated as responsible for the planning, implementation and enforcement of this section, and shall have the following duties:

Planning and Implementation. Prior to the commencement of any construction project, capital works, or City economic development plan covered by this section, the agency shall:

1. Review spending plans for such project;
2. Identify the number of job positions to be created by the project;
3. Specify training needed for entry level and semi-skilled positions by job title;
4. In conjunction with appropriate unions and their existing collective bargaining agreements, recruit employees and arrange for training through established union apprenticeship programs; and
5. Establish a job screening and referral agency which shall refer City residents, minorities, and women to contractors and subcontractors to enable such contractors and subcontractors to comply with this section.

b. The Contract Compliance Office for the City of Boston shall be responsible for enforcing and monitoring compliance with the provisions of this section and for contract provisions established in accordance therewith shall have the following duties:

1. To require all contractors and subcontractors affected by this section to submit weekly workforce charts listing workers by name, residential address, craft, job category, hours worked, sex and race. These charts shall be public records.
2. To negotiate with all contractors/developers in order to identify and classify construction jobs by job titles, hiring dates, duration and training.
3. To register all interested community-based organizations, and notify such organizations of any pre-award conferences between the agency and developer/contractor relating to hiring requirements and goals as stated herein.

c. The agency shall have the power, by means of the contract provisions referred to in subsection 8-9.2, to impose sanctions upon contractors and subcontractors found to be in noncompliance with this section. Such sanctions shall include, but not be limited to: (i) suspension of payments; (ii) termination of the contract; (iii) recovery by the City of .1 percent of the contract award price as liquidated damages; and (iv) denial of right to participate in future projects for up to three (3) years.

(Ord. 1983 c. 30 § 4)

8-9.4 Liaison Committee.

The agency shall establish a liaison committee which shall meet monthly, in a forum open to the public, to review the agency's reports, monitor compliance with the provisions of the section, and make recommendations to the Agency and the City Council regarding enforcement of this section. The agency shall accept nominations of three (3) persons from interested groups including, but not limited to: Union Contractors, Non-Union Contractors, Boston Building Trades, State Office of Minority Business Assistance, Contractor Association of Boston, training agency personnel, human rights activist groups, women's organizations, community-based organizations and the Boston Chamber of Commerce. The agency shall thereafter select one person from those nominations submitted by each organization to serve without compensation for a term of two (2) years. This nomination and selection process shall be used to fill any vacancy.

(Ord. 1983 c. 30 § 5)

8-9.5 Training Program.

The City of Boston shall establish or cause to be established, either independently or in concert with craft unions, and construction contractors, job training programs to train minorities, Boston residents, and women for skilled or semi-skilled construction jobs. These programs shall be supervised by the agency.

(Ord. 1983 c. 30 § 6)

8-9.6 Fines.

Any person who provides false information regarding his or her residence address shall be subject to a fine of not more than three hundred (\$300.00) dollars.

(Ord. 1983 c. 30 § 7)

8-9.7 Independent Agencies.

Any and all activities of any independent agency, operating or acting on behalf of the City of Boston, including, but not limited to, the Boston Redevelopment Authority and the Economic Development and Industrial Corporation shall comply with the provisions of this section.

(Ord. 1983 c. 30 § 8)

CHAPTER IX

BUILDING REGULATION¹

9-1 HOUSING INSPECTION DEPARTMENT.*

9-1.1 Board and Divisions.

There shall be in the City a Department, known as the Housing Inspection Department, which shall be under the charge of a Board, known as the Housing Inspection, consisting of an Officer, known as the Commissioner of Housing Inspection, who shall be Chairman of the Board, another Officer known as the Assistant Commissioner of Housing Inspection, and the Building Commissioner, ex officio. The Commissioner of Housing Inspection and the Assistant Commissioner of Housing Inspection shall each be appointed by the Mayor for a term expiring on the first Monday of the January following the next biennial municipal election at which a Mayor is elected, and shall devote his whole time to the duties of his Office. The Commissioner of Housing Inspection shall exclusively have the powers and perform the duties, of a Department Head with respect to the making of contracts and the appointment, suspension, discharge, compensation and indemnification of subordinates for the Housing Inspection Department. In the event of the absence or disability of the Commissioner of Housing Inspection or of vacancy in his office, the Assistant Commissioner of Housing Inspection shall act as Chairman of the Housing Inspection Board, and shall have the powers conferred, and perform the duties imposed, upon the Commissioner.

There shall be in the Housing Inspection Department an Inspection Division, an Enforcement Division, and such other Divisions, if any, as the Housing Inspection Board shall from time to time adjudge necessary for the proper conduct of the Department. The Inspection Division shall be under the immediate charge of the Commissioner of Housing Inspection; and the Enforcement Division shall be under the immediate charge of the Assistant Commissioner of Housing Inspection, subject to the general supervision of the Commissioner.

(Ord. 1965 c. 1; Rev. Ord. 1961 (Sup. 1971) c. 16A § 1; CBC 1975 Ord. T9 § 1)

Cross References: Ord. Section 2-7; Ord. Section 9-3.

¹**Cross Reference:** Public Buildings; Accessibility for Handicapped, Section 21-4.

***Editor's Note:** The Building Department and the Housing Inspection Department were abolished and all powers and duties transferred to the Inspectional Services Department by Ch. 19 of the Ordinances of 1981 (Section 9-9 of this Code).

9-1.2 Powers and Duties.

The Commissioner of Housing Inspection, shall have the powers and perform the duties from time to time conferred or imposed on a Board of Health by Section 12 of Chapter 83, and Section 127 of Chapter 111, of the General Laws, by Sections 122, 123, 124 and 125 of said Chapter 111 insofar, but only insofar, as said Sections 122, 123, 124 and 124 apply to places of human habitation, and by Sections 127A and 127B of said Chapter 111 insofar, but only insofar, as said Sections 127A and 127B relate (a) to enforcing so much of the State Sanitary Code as concerns standards of fitness for places of human habitation, housing and sanitation standards for farm labor camps, and requirements for the disposal of sanitary sewage in unsewered areas, and (b) to adopting such public health regulations, not inconsistent with the State Sanitary Code or other provisions of law, as in the opinion of the Commissioner of Housing Inspection may be necessary to make and keep all places of human habitation fit for such habitation. The Commissioner of Housing Inspection shall also have the powers and perform the duties conferred or imposed upon the Board of Health of the City, or the Health Commissioner of the City, by Sections 13, 14, 19, 20, 21 and 22 of Chapter 382 of the Acts of 1885, as amended, by Chapter 185 of the Acts of 1897, by Chapter 219 of the Acts of 1897, as amended, by Section 128 of Chapter 550 of the Acts of 1907, as amended, and by Section 116 or any other provision of the Boston Building Code. It shall further be the duty of the Commissioner of Housing Inspection: (1) to receive all complaints of violations, in or about places of human habitation, of any and all statutes, ordinances, rules and regulations enacted for the preservation of health or safety in or about places of human habitation; (2) to refer in writing to the Building Commissioner or the Fire Commissioner, as the case may be, for investigation and prosecution all complaints of violations of the Boston Building Code and the Boston Fire Prevention Code and to maintain written contact with said Commissioners with respect thereto; and (3) to inspect places of human habitation and enforce therein the provisions of law specified in the preceding sentences of this section and all other statutes, ordinances, rules and regulations enacted for the preservation of health in or about such places.

It shall remain the duty and responsibility of the Building and Fire Commissioners, respectively, to enforce compliance with the Boston Building Code and the Boston Fire Prevention Code. To aid them in discharging such duty but without any lessening of their respective responsibilities, the Enforcement Division of the Housing Inspection Department may offer them, and they may accept, assistance designed to unify action upon complaints received by the Commissioner of Housing Inspection.

(Ord. 1968 c. 10 § 1; Rev. Ord. 1961 (Sup. 1971) c. 16A § 2; CBC 1975 Ord. T9 § 2)
Cross References: G.L. c. 83 § 12; G.L. c. 111 §§ 122-125, 127A, 127B; St. 1885 c. 382 §§ 13, 14, 19, 22; St. 1897 c. 185; St. 1897 c. 219; St. 1907 c. 550 § 128; St. 1938 c. 479 § 116; St. 1962 c. 314; Ord. 1959 c. 3; Ord. ss 9-1.3; Ord. Section 11-4.

9-1.3 Re-Inspection of Rental Units.

Whenever a rented dwelling unit, apartment, or tenement, other than a hotel or motel, is vacated by the occupant or occupants thereof, the Commissioner of Housing Inspection shall cause the rented dwelling unit, apartment, or tenement to be re-inspected as meeting the standards set forth in the State Sanitary Code as concerns the standards of fitness for places of human habitation, provided, however, that no such inspection has occurred within the preceding twelve (12) months. The following housing units shall be exempt from the provisions of this ordinance: a) housing units owned or operated by Federal, State or City governments, b) housing units of two (2) units or less, c) housing units of three (3) to six (6) units, one of which is occupied by the owner, d) any housing unit that is new construction or major renovation so as to be considered new construction built after December 1, 1968. The owner of said dwelling unit, apartment or tenement shall pay the City of Boston a fee of twenty-five (\$25.00) dollars per rented dwelling unit, apartment or tenement for the re-inspection. After such payment has been made, the landlord may charge up to fifty (50%) percent of the total cost of the annual fee for each such unit to the tenant thereof on an equal monthly basis. Documents and information concerning the re-inspection of a rented dwelling unit, apartment, or tenement shall be a matter of public record. The owner of a rental dwelling unit, apartment or tenement must, within thirty (30) days of new occupancy request an inspection from the Inspectional Services Department of such rental dwelling unit, apartment or tenement. Failure to comply with the provisions of this ordinance shall be punishable by a fine of three hundred (\$300.00) dollars per month, every month that this condition continues to exist.

(Ord. 1984 cs. 26, 39)

9-2 WEIGHTS AND MEASURES DIVISION.*

9-2.1 Weights and Measures Division.

There shall be in the Housing Inspection Department a Division, known as the Weights and Measures Division, as provided in the charter as that term is defined in clause Fifth of Section 7 of Chapter 4 of the General Laws.

(Ord. 1968 c. 14 § 6; Rev. Ord. 1961 (Sup. 1971) c. 16A § 3; CBC 1975 Ord. T9 § 10)

Cross Reference: G.L. c. 4 § 7 c. 1.5.

***Editor's Note:** The Building Department and the Housing Inspection Department were abolished and all powers and duties transferred to the Inspectional Services Department by Ch. 19 of the Ordinances of 1981 (Section 9-9 of this Code).

9-3 BUILDING DEPARTMENT.*

9-3.1 Duties of Building Commissioner.

The Building Department shall be under the charge of the Building Commissioner, who shall exercise the powers and perform the duties provided by statute, and may appoint not exceeding thirty (30) Building Inspectors for duty in his Department.

The Building Commissioner shall also have the powers and perform the duties conferred or imposed by statute on the Wire Commissioner and on the Fire Commissioner as successor to the Wire Commissioner, and shall carry out the provisions and requirements of law relating to wires and inspection of wires and the installation and use of electrical conductors and appliances in buildings in the City.

(St. 1871 c. 280; St. 1938 c. 479 § 109; Ord. 1954 c. 2 § 20; Rev. Ord. 1961 c. 9 § 1; CBC 1975 Ord. T9 § 50)

Cross Reference: Ord. Section 11-4.

9-3.2 Street Numbers.

The Building Commissioner shall assign a street number to each building on a street and shall require such number to be affixed to or inscribed on the building by the owner, and may determine the form, size and material of any such number and the place and mode of affixing or inscribing it.

(Ord. 1954 c. 9 § 1; Rev. Ord. 1961 c. 9 § 2; CBC 1975 Ord. T9 § 51)

9-3.3 Illumination of Residential Buildings.

a. *Purpose.* It is the intent of this ordinance to protect the public safety by assuring adequate illumination of all doorways, alleys, passageways, and entrances to and from residential buildings used by the occupants thereof as a means of access and egress. In adopting rules and standards the Building Commissioner and the Commissioner of Housing Inspection may consider existing public lighting and shall endeavor to protect abutting buildings from existing glare.

b. Every owner of a building containing four (4) or more dwelling units, including but not limited to apartment buildings, apartment hotels, boarding and lodging houses, fraternities, sororities, and dormitories, shall provide adequate illumination between sunset and sunrise of all doorways and entrance areas, on the front, rear, or sides of such building at or with principal access from grade, in accordance with reasonable rules and standards to be promulgated by the City of Boston Building Commissioner and Commissioner of Housing Inspection, within sixty (60) days following enactment of such rules and standards. In addition, such

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owners shall provide reasonable illumination of parking areas adjacent to such buildings and containing parking spaces required under the provisions of the Boston Zoning Code.

c. The Building Commissioner and Commissioner of Housing Inspection are hereby authorized and directed within thirty (30) days after the effective date of this ordinance to hold a public hearing on the adoption of proposed rules and standards hereunder, such hearing to be advertised by at least seven (7) days notice in a paper of general circulation within the City, such notice to contain the date, time, and place of said public hearing and terms of the proposed rules and standards. Following such public hearing the Building Commissioner and Commissioner of Housing Inspection shall issue final rules and standards no later than sixty (60) days thereafter. Any owner deeming himself to be aggrieved shall have a right of appeal and review in accordance with the provisions of the Boston Building Code to the same extent as if said rules and standards were an integral part of said code.

(Ord. 1973 c. 6; CBC 1975 Ord. T9 § 52)

Cross References: St. 1938 c. 479; Ordinances, Title 9, Chapters 1, 7.

9-3.4 Building Limits.

The building limits referred to in paragraph (b) of Section 202 of the Boston Building Code shall continue as established by Chapter 4 of the Ordinances of 1913 as follows:

All that portion of the City which is included within a line beginning at the intersection of the boundary lines between the City of Boston and the Cities of Somerville and Everett; thence by the boundary lines between the City of Boston and the Cities of Everett and Chelsea to the intersection with the center line of Trumbull Street extended northerly; thence by said center line of Trumbull Street extended, the center line of Trumbull Street Street and said center line extended southerly to the Harbor line; thence by said Harbor line to its intersection with the easterly line of Pier No. 5 belonging to the Boston and Albany Railroad Company; thence by a straight line across Boston Harbor to its intersection with the Harbor line at the easterly corner of Pier No. 1, in South Boston; thence by the Harbor line in the northerly, easterly and southerly portions of South Boston to an angle in said Harbor line nearly opposite the intersection of the center line of Columbia Road with the center line of location of the Old Colony Railroad; thence by a straight line to the said intersection; and by the center lines of Columbia Road, Blue Hill Avenue, Seaver Street, Columbus Avenue, Atherton and Mozart Streets, Chestnut Avenue, Sheridan, Centre, and Perkins Streets, South Huntington Avenue, Castleton Street and the center line of said Castleton Street extended to the boundary line between the City of Boston and the Town of Brookline; thence by said boundary line to a point therein one hundred (100') feet southwest of Washington Street in the Brighton district; thence by a line parallel to and one hundred (100') feet southwesterly from the center line of Washington Street to an

angle formed by the intersection of said line with the extension of a line parallel to and one hundred (100') feet northwesterly of the center line of Market Street; thence by said extension and said line parallel to and one hundred (100') feet northwesterly of the center line of Market Street to a point one hundred (100') feet south of the center line of Western Avenue; thence be a line parallel to and one hundred (100') feet south of the center line of Western Avenue and said line extended to a point in the boundary line between the City of Boston and the Town of Watertown south of Watertown Bridge, so-called; thence by said boundary line and the boundary line between the City of Boston and the Cities of Cambridge and Somerville to the point of beginning. Also those portions of the Hyde Park district upon or within one hundred (100') feet of the following-named streets and squares: Everett Square, so-called; Fairmount Avenue from River Street to Neponset River; River Street from the location of the Boston and Providence Railroad to Winthrop Street; Hyde Park Avenue on the easterly side from the northerly side of Oak Street to Everett Street; Hyde Park Avenue on the westerly side from the northerly side of Pine Street extension, so-called, to a point on said Hyde Park Avenue opposite the southerly line of Everett Street; Harvard Avenue from River Street to Winthrop Street; Maple Street from River Street to a point one hundred eighty (180') feet southerly therefrom; Central Avenue from River Street to Winthrop Street; Davison Street from Fairmount Avenue to a point three hundred (300') feet northeasterly therefrom; Grove Street; Pierce Street from Fairmount Avenue to a point three hundred (300') feet northeasterly therefrom; Knott Street from Fairmount Avenue to a point three hundred (300') feet easterly therefrom; Railroad Avenue from Fairmount Avenue to a point three hundred (300') feet northeasterly therefrom; Station Street from the Neponset River to a point three hundred (300') feet northeasterly from Fairmount Avenue; Walnut Street from Fairmount Avenue to a point three hundred (300') feet southwesterly therefrom; Maple Street from Fairmount Avenue to a point one hundred twenty-five (125') feet westerly therefrom.

(Rev. Ord. 1898 c. 45 § 27; Ord. 1912 c. 5; Ord. 1913 c. 4; CBC 1975 Ord. T9 § 53)

Cross References: St. 1938 c. 479 § 202 (Boston Building Code); Ord. § 7-4.9

9-4 BOARD OF APPEAL.*

9-4.1 Board Members.

There shall be in the Building Department a Board, known as the Board of Appeal, consisting of five (5) members appointed by the Mayor as follows: one member from two (2) candidates nominated, one by The Boston Society of Architects and one by the Boston Society of Civil Engineers, one member from two (2) candidates nominated by the Building Trades Council of Boston and Vicinity, one member from two (2) candidates nominated, one by the Greater Boston Real

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Estate Board and one by the Massachusetts Real Estate Association, one member from three (3) candidates nominated, one by The Master Builders' Association of Boston, one by the Building Trades Employers' Association of the City of Boston and one by the Associated General Contractors of Massachusetts, Inc., and one member selected at large by the Mayor. All members of the Board of Appeal shall be residents of, or engaged in business in, Boston. As the term of any member in office expires, his successor shall be appointed in like manner as such member for a term of five (5) years. Vacancies in the Board shall be filled in the same manner for the unexpired term. No member of the Board shall act in any case in which he has a personal interest; and when a member is so disqualified or absent or when there is a vacancy in the office of a member, the remaining members shall designate a substitute.

The Board of Appeal shall not be subject to the supervision or control of the Building Commissioner; but unless otherwise ordered by the Mayor, the Board of Appeal shall not communicate with the Mayor, or make any annual or other report, except through the Building Commissioner.

(St. 1938 c. 479; Ord. 1954 c. 2 § 21; Rev. Ord. 1961 c. 9 § 3; CBC 1975 Ord. T9 § 150)

Cross References: Ord. Section 2-7; Ord. Section 9-3.

9-4.2 Powers and Duties.

The Board of Appeal shall exercise the powers and perform the duties set forth in Sections 117, 118 and 119 of the Boston Building Code, and Section 19 of Chapter 488 of the Acts of 1924.

(Rev. Ord. 1961 c. 9 § 4; CBC 1975 Ord. T9 § 151)

Cross References: St. 1924 c. 488 § 19; St. 1938 c. 479 §§ 117, 118, 119.

9-5 ZONING COMMISSION.*

9-5.1 Board, Powers and Duties.

There shall be in the Building Department a Board, known as the Zoning Commission, provided for by Section 1 of Chapter 665 of the Acts of 1956, as amended. Said Board shall exercise the powers and perform the duties provided by statute. Said Board shall not be subject to the supervision or control of the Building Commissioner; but unless otherwise ordered by the Mayor, the Zoning Commission shall not communicate with the Mayor, or make an annual or other report, except through the Building Commissioner.

(Rev. Ord. 1961 c. 9 § 10; CBC 1975 Ord. T9 § 200)

Cross References: St. 1956 c. 655 § 1; Ord. § 9-3.

***Editor's Note:** The Building Department and the Housing Inspection Department were abolished and all powers and duties transferred to the Inspectional Services Department by Ch. 19 of the Ordinances of 1981 (Section 9-9 of this Code).

9-6 BEACON HILL ARCHITECTURAL COMMISSION.

No Ordinances Apply. See Special Statutes and Regulations.
(CBC 1975 Ord. T9 c. 9)

9-7 BACK BAY ARCHITECTURAL COMMISSION.

No Ordinances Apply. See Special Statutes and Regulations.
(CBC 1975 Ord. T9 c. 11)

9-8 BOARD OF EXAMINERS.***9-8.1 Appointment, Term, Compensation.**

There shall be in the Building Department a Board, known as the Board of Examiners, consisting of three (3) members appointed by the Mayor, of whom one shall be an architect or engineer with at least five (5) years' experience in the City, one a contractor or person well qualified in the supervision of construction work with at least five (5) years' experience in the City, and one a lawyer or other person with proper legal qualifications. As the term of any member expires, his successor shall be appointed by the Mayor for a term of three (3) years. Vacancies in the Board shall be filled by the Mayor for the unexpired term.

The Board of Examiners shall not be subject to the supervision or control of the Building Commissioner; but unless otherwise ordered by the Mayor, the Board of Examiners shall not communicate with the Mayor, or make an annual or other report, except through the Building Commissioner.

(St. 1912 c. 713; Ord. 1912 c. 9; St. 1938 c. 479 § 120; Ord. 1954 c. 2 § 22; Rev. Ord. 1961 c. 9 § 5; CBC 1975 Ord. T9 § 350)

Cross References: Ord. Section 2-7; Ord. Section 9-3.

9-8.2 Powers and Duties.

Said Board shall exercise the powers, perform the duties and issue licenses as set forth in Section 120 of the Boston Building Code.

(Ord. 1956 c. 7 § 3; Rev. Ord. 1961 c. 9 § 6; CBC 1975 Ord. T9 § 351)

Cross Reference: St. 1938 c. 479.

9-9 INSPECTIONAL SERVICES DEPARTMENT.****9-9.1 Establishment.**

There shall be in the City a Department, known as the Inspectional Services Department which shall be under the charge of an Officer known as the

***Editor's Note:** The Building Department and the Housing Inspection Department were abolished and all powers and duties transferred to the Inspectional Services Department by Ch. 19 of the Ordinances of 1981 (Section 9-9 of this Code).

****Editor's Note:** Ch. 6 of the Ordinances of 1985 repealed this section. A decision of the Mass. Appeals Court 24 Mass. App. Ct. 663, presently under appeal, however held said ordinance invalid.

Commissioner appointed by the Mayor for a term expiring on the first Monday of January following the next biennial election in which a Mayor is elected who shall have the powers and perform the duties imposed upon him by law and who shall be compensated as an officer within Category I of subsection 5-5.10 of the Code of Ordinances.

(Ord. 1981 c. 19)

9-9.2 Commissioner as Inspector of Buildings.

The Commissioner of the Inspectional Services Department shall also serve as inspector of buildings for purposes of the State Building Code.

(Ord. 1981 c. 19)

9-9.3 Powers and Duties.

All the powers and duties heretofore exercised by the Building Commissioner and the Commissioner of Housing Inspection, including those exercised in the Weights and Measures Division, shall be exercised by the Inspectional Services Commissioner.

(Ord. 1981 c. 19)

9-9.4 Empowered to Accept Delegation.

The Board of Health and Hospitals may delegate to the Inspectional Services Department the enforcement of any statute, ordinance or regulation heretofore enforced by, or adopted by, said Board. Any other Board, Officer, Department or Commission may, subject to the approval of the City Council, delegate to the Inspectional Services Department the enforcement of any statute, ordinance or regulation heretofore enforced by or duly adopted by such Board, Officer, Department or Commission. The Inspectional Services Department is hereby empowered to accept such delegation and may exercise any and all powers necessary or convenient in furtherance of any such delegation. Notice of such delegation shall be filed with the City Clerk.

(Ord. 1981 c. 19)

9-9.5 Board of Appeal and Board of Examiners.

The Board of Appeal and Board of Examiners are hereby transferred to the Inspectional Services Department but neither shall be under the supervision or control of said Department.

(Ord. 1981 c. 19)

9-9.6 Administrative Units.

The Commissioner may from time to time, establish within the Department such administrative units within Divisions as may be necessary for the efficient and

economical administration of the Department, and when necessary for such purpose, he may abolish or merge any such administrative units within Divisions as he may deem advisable. Subject to the approval of the Mayor and City Council, the Commissioner may establish, abolish, or merge Divisions. The Commissioner shall prepare and keep current a statement of the organization of the Department, of the assignment of functions to its various administrative units, offices, and employees, and of the place at which and the methods whereby the public may receive information or make requests.

(Ord. 1981 c. 19)

9-9.7 The Building and Housing Inspection Departments.

The Building Department and the Housing Inspection Department of the City are hereby respectively abolished. All powers, duties and appropriations of said Departments are hereby transferred to the Inspectional Services Department created by subsection 9-9.1 of this section; and every person holding in said or other Departments an office or position subject to the Civil Service Law and Rules shall be transferred without Civil Service examination or registration to a similar office or position in the Inspectional Services Department without impairment of his Civil Service rights or his retirement, seniority, vacation or sick leave rights; and his services shall be deemed to have been continuous to the same extent as if such abolition had not taken place.

(Ord. 1981 c. 19)

9-9.8 Annual Inspection of Abandoned and Uninhabited Buildings.

To conduct annually an inspection of all abandoned and uninhabited buildings located in the City and to determine building code violations contained therein and shall pursue resolution of such violations in accordance with the law.

(Ord. 1983 c. 8)

9-9.9 Report to City Council.

To submit to the City Council no later than May 1 of each year a report documenting on a neighborhood basis the type of property, the number of parcels, and the condition of the property in all abandoned and uninhabited buildings located in the City and the encumbrances thereupon.

(Ord. 1983 c. 8)

9-10 ARSON PREVENTION COMMISSION.

9-10.1 Composition of Commission.

There shall be in the City a Commission, known as the Arson Prevention Commission, consisting of the following officials of the City of Boston: the Fire

Commissioner, the Police Commissioner, the Commissioner of Inspectional Services, the Collector/Treasurer, Commissioner of Real Property, and the Chairperson of the City Council's committee dealing with the issue of arson, all serving ex officio. There shall be nine (9) Commissioners appointed by the Mayor. Eight (8) Commissioners appointed by the Mayor shall be residents of the City of Boston who live in areas affected by arson and have knowledge or expertise in the problem of arson. Of the nine (9) Commissioners appointed by the Mayor, one Commissioner shall be a representative of the Insurance industry that specifically deals with fire insurance for low/moderate income housing and knowledgeable about the problem of arson within the City of Boston, who need not be a resident of the City of Boston. Mayoral appointed and ex officio Commissioners shall have the power to vote on any Commission matter.

Mayoral appointed Commissioners shall serve a term of two (2) years.

The Commission shall elect one of its members as Chairman and another as Vice-Chairman to serve in these capacities for the term of one year. The Commissioners shall hire a Director, who shall not be a member of the Commission, and said Director shall be qualified by his knowledge about arson prevention and shall be paid a salary not to exceed thirty thousand (\$30,000.00) dollars per annum. The Commissioners shall serve without compensation, and shall be deemed special municipal employees for the purposes of Chapter 268A of the General Laws. (Ord. 1983 c. 13; Ord. 1984 cs. 6, 9)

9-10.2 Powers and Duties.

The Commission shall meet on a regular basis; shall study the problem of arson in the City; shall work with neighborhood organizations to implement remedies arrived at by studying the problem of arson in the City; shall from time to time, and at least twice a year on July 1 and January 1, make written reports to the Mayor and City Council assessing incidents of arson on a neighborhood basis and recommend means to prevent arson; shall conduct independently or in conjunction with appropriate agencies such programs relating to the prevention of arson in the City as the Commission deems necessary; and shall propose new programs as the Commission deems feasible in view of the particular program and the needs of the City in regard to arson prevention.

The Director shall be the executive officer of the Commission and shall have such powers to perform such duties as the Commission shall from time to time determine. The Director shall appoint, with Commission approval, other such personnel as the Commission may from time to time deem expedient. The Director and Commissioners, for the purposes of obtaining information under Chapter 446 of the Acts of 1978, shall be considered Public Safety Officials. The Director is empowered, on behalf of the Commission, to seek and make application for any and all State and/or Federal funds that are or become available for a municipality

to fund arson prevention activities. The Commission shall monitor compliance with Chapter 446 of the Acts of 1978 and any other applicable State statute which affect arson prevention in the City of Boston, shall advise and suggest administrative and legislative remedies to deal with the prevention of arson and shall establish a community based arson prevention program.

(Ord. 1983 c. 13; Ord. 1984 c. 6)

9-10.3 Other City Agencies.

The services of all City Departments, Agencies and other Commissions shall be made available to the Commission for the purposes of effectuating the provisions of this ordinance. The Head of any Department, Agency or other Commission shall furnish information in the possession of such Department, Agency, or other Commission when the Commission so requests and where such information relates to the duties of the Commission.

(Ord. 1983 c. 13)

9-10.4 Rules and Regulations.

The Commission shall promulgate such rules and regulations consistent with the provisions of this ordinance and the laws of the commonwealth as shall further the provisions of this ordinance. The Commission shall adopt rules of procedure for conducting hearings.

(Ord. 1983 c. 13; Ord. 1984 c. 6)

9-10.5 Severability.

The provisions of this ordinance are severable and if any provision shall be held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions of this ordinance, which shall remain in full force and effect.

(Ord. 1983 c. 13)

CHAPTER X

HOUSING SERVICES

10-1 BOSTON HOUSING AUTHORITY.

No Ordinances Apply. See Special Statutes and Regulations.
(CBC 1975 Ord. T10 c. 1)

10-2 RENTAL HOUSING EQUITY ORDINANCE.

10-2.1 Definitions.

When used in this section, unless the context otherwise requires, the following terms shall have the following meanings:

Administrator shall mean the chief administrative officer of the Rent Equity Board. The Administrator shall exercise the regular and customary functions of the Board, including conducting such hearings as may be required by this ordinance with respect to rent grievances, making such recommendations to the Board in accordance with the terms of this ordinance, and hiring and discharging employees of the Board.

Board shall mean the Rent Equity Board established by subsection 10-2.2.

Capital Improvement shall mean any rehabilitation, addition or improvement which appreciably adds to the value of the property or prolongs its life, or both, but not including ordinary repairs and maintenance.

Class of Housing Accommodations shall mean all housing accommodations within the City or any category of such housing accommodations based upon size, age, construction, rent, location, or other common characteristics.

Condominium or Cooperative Conversion Eviction shall mean an eviction of a tenant by a landlord for the purpose of removing such tenant from a housing accommodation in order to facilitate the initial sale and transfer of legal title to that housing accommodation as a condominium or cooperative unit to a prospective purchaser or an eviction of a tenant by any other person who has purchased a housing accommodation as a condominium or cooperative unit.

Condominium Unit shall mean a unit in a condominium as that term is defined in Chapter 183A of the General Laws of the Commonwealth of Massachusetts.

Controlled Housing Accommodations shall mean all housing accommodations as defined in "Housing Accommodations," in this subsection.

Consumer Price Index shall mean the consumer price index for all urban consumers in the Boston SMSA as published by the U.S. Department of Labor, Bureau of Labor Statistics.

Cooperative Unit shall mean a unit in a cooperative as that term is defined in Chapters 156B or 157 of the General Laws.

Conversion shall mean the initial sale or transfer of legal title to a housing accommodation and the recording of the master deed or articles of organization pursuant to Chapters 156B, 157 or 183A of the General Laws.

Decontrolled Housing Accommodation shall mean a former housing accommodation for which an affidavit has been filed with the Board pursuant to the provisions of paragraph e. of the definition of "Housing Accommodation" in this subsection.

Elderly Tenant shall mean a tenant who is at least sixty-two (62) years of age.

Handicapped Tenant shall mean a tenant who is physically handicapped as defined by Section 13A of Chapter 22 of the General Laws of the Commonwealth of Massachusetts or mentally handicapped as defined by 29 U.S.C. Section 706 (7)(b).

Housing Accommodation shall mean any building, structure or part thereof or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes, within the City, including without limitation, houses, apartments, rooming or boarding house units, and other properties used for living or dwelling purposes, together with all services connected with the use or occupancy of such property, but not including the following:

a. Housing accommodations which the United States or the Commonwealth of Massachusetts or any authority created under the laws thereof either owns, operates, finances, subsidizes or insures the mortgage thereon, or regulates the individual rents thereof; provided, however, housing accommodations constructed or rehabilitated pursuant to Sections 202, 221 (d) or 236 of the National Housing Act, as amended, shall be considered housing accommodations for the purposes of this ordinance, provided further, however, housing accommodations which the United States or any authority created under the laws thereof insures or insured the mortgage thereon pursuant to Sections 207, 220 or 608 of the National Housing Act, as amended, shall be considered housing accommodations only for the purposes of subsections 10-2.10 through 10-2.20 inclusive of this section; provided, further, housing accommodations the mortgage of which is insured under Section 221 (d) of the National Housing Act, as amended, and which do not receive a Federal rental subsidy or below market interest rate mortgage subsidy, shall be considered housing accommodations only for the purposes of subsections 10-2.10 through 10-2.20 inclusive of this section; provided, further, however, housing

accommodations which are subject to the provisions of this ordinance and subsequent to January 10, 1983, receive a mortgage insured by the United States or the Commonwealth or any authority created under the laws thereof, shall be considered housing accommodations for the purposes of this ordinance and the owner of said housing accommodation shall not be entitled to apply for a removal permit pursuant to subsection 10-2.11 or send a notice pursuant to subsection 10-2.10 until the expiration of five (5) years from the date of the recording of said mortgage;

b. Housing accommodations in any building or structure containing no more than two (2) dwelling units, or containing no more than three (3) dwelling units, one of which is occupied by the owner thereof as his permanent residence; provided, however, that two (2) or more adjoining buildings or structures under common legal or beneficial ownership shall constitute a single building or structure for this purpose; and provided, further, that no building or structure shall be considered occupied by the owner thereof unless all beneficial owners occupy one or more dwellings therein as their permanent residence;

c. Housing accommodations constructed, created by conversion from a non-housing to a housing use, or in the opinion of the Board substantially rehabilitated so as to constitute the equivalent of new construction after December 1, 1968, with respect to conventionally financed housing accommodations, and after January 1, 1972, with respect to housing accommodations described in paragraph a. under the definition of "Housing Accommodation" in this subsection; provided, however, conventionally financed housing accommodations created by conversion from a non-housing to a housing use, or in the opinion of the Board substantially rehabilitated between December 1, 1968 and December 1, 1971, so as to constitute the equivalent of new construction, shall be considered housing accommodations only for the purposes of subsections 10-2.10 through 10-2.20 inclusive of this section, and shall be treated as decontrolled housing accommodations only for the purposes of subsections 10-2.6 and 10-2.9 of this section;

d. Housing accommodations in hotels, motels, inns, tourist homes, and rooming or boarding houses which are occupied in the majority by transient guests staying for a period of fewer than fourteen (14) consecutive calendar days; provided, however, that the exception of said hotels, motels, inns, tourist homes, and rooming or boarding houses from the above definition may be reviewed at any time by the board;

e. Except with respect to a condominium or cooperative conversion eviction for the purposes of subsections 10-2.10 and 10-2.11, units of housing accommodations which are vacated voluntarily or pursuant to a court order on or after January 1, 1976. For purposes of this paragraph, units of housing accommodations shall be construed to have been so vacated when the legal occupant thereof is a person or persons other than the legal occupant of said unit prior to January 1, 1976, except for a spouse of the legal occupant, or any children of the legal occupant born

during the term of legal occupancy. The owner of said vacated housing accommodation shall file with the Board an affidavit, under oath, declaring that the occupant vacated said accommodation voluntarily or pursuant to court order;

f. Housing accommodations which the United States or any authority created under the laws thereof insures or insured the mortgage thereon pursuant to Section 220 of the National Housing Act, as amended, provided that the titles of more than fifty (50%) percent of the units in such housing accommodations have been transferred as condominium units to owner occupants and such titles have been recorded at the Suffolk County Registry of Deeds on or before December 31, 1983.

Housing Services shall mean services or facilities provided by a landlord or required by law or by the terms of a rental housing agreement to be provided by a landlord to a tenant in connection with the use and occupancy of any housing accommodation, including without limitation, services, furniture, furnishings, and equipment; repairs, decorating and maintenance; provision of light, heat, hot water, cold water, telephone and elevator service; kitchen, bath, and laundry facilities and privileges; use of halls, corridors, stairs, common rooms, yards and other common areas; maid service, linen service, janitorial service, removal of refuse, parking facilities, and any other benefit, privilege, or facility connected with the use or occupancy of any housing accommodation. Housing services to a housing accommodation shall include a proportionate share of the services provided to common facilities of the building in which the housing accommodation is located.

Landlord shall mean the individual who holds title to any controlled housing accommodation or decontrolled housing accommodation in any manner, including without limitation, a partnership, corporation, or trust. For purposes of this section, the rights and duties of the landlord hereunder shall be the obligation of anyone who manages, controls, or customarily accepts rent on behalf of the landlord.

Low- or Moderate-Income Tenant shall mean a tenant or group of tenants, all of whom occupy the same dwelling unit, whose total income for the twelve (12) months immediately preceding the date of any notice or the exercising of any right, whichever may occur later, is not more than ninety (90%) percent of the median income for the area as set forth in or determined based upon regulations promulgated from time to time by the United States Department of Housing and Urban Development pursuant to Section 8 of the Housing Act of 1937, as amended by the Housing and Community Development Act of 1974, and calculated pursuant to said regulations.

Low-Income Tenant shall mean a tenant or group of tenants, all of whom occupy the same dwelling unit, whose total income for the twelve (12) months immediately preceding the date of any notice or the exercising of any right, whichever may occur later, is not more than fifty (50%) percent of the median

income for the area as set forth in or determined based upon regulations promulgated from time to time by the United States Department of Housing and Urban Development pursuant to Section 8 of the Housing Act of 1937, as amended by the Housing and Community Development Act of 1974, and calculated pursuant to said regulations.

Operating and Maintenance Expenses shall mean the reasonable and necessary expenses to a landlord of providing housing services to a tenant, including without limitation, maintenance, repair, management fee, real estate broker's commission, insurance, utilities included within the rent, but not including mortgage interest and amortization nor an allowance for obsolescence or depreciation.

Rent shall mean the consideration, including without limitation, all bonuses, benefits, gratuities, or charges contingent or otherwise, demanded or received for, or in connection with, the use or occupancy of a housing accommodation, for housing services, or for the transfer of a lease of a housing accommodation.

Rental Housing Agreement shall mean an agreement, oral, written, or implied, between a landlord and a tenant for the use and occupancy of a housing accommodation and for housing services.

Tenant shall mean a tenant, subtenant, lessee, sublessee, or other person, entitled under the terms of a rental housing agreement to the use and occupancy of any housing accommodation.

(Ord. 1072 c. 19; Ord. 1974 c. 13; CBC 1975 Ord. T10 § 1; Ord. 1979 cs. 29, 37; Ord. 1981 c. 8; Ord. 1982 cs. 15, 16, 17, 26, 37; Ord. 1983 cs. 1, 9, 17, 23, 33; Ord. 1984 cs. 1, 7, 29 - 34; Ord. 1985 c. 11, §§ 5, 6)

10-2.2 Rent Equity Board.

a. *Composition.* There shall be in the City of Boston a Board, known as the Rent Equity Board, consisting of five (5) residents of the City appointed by the Mayor, including two (2) tenants of rental housing units, who own no dwelling units; two (2) landlords, one of whom owns or manages at least twenty (20) rental dwelling units in the City, and one who owns or manages more than three (3), but less than twenty (20) rental dwelling units in the City; and one member representing the public interest, who shall have no prior involvement in advocacy on behalf of tenants or landlords, but shall represent a broad and unbiased public interest. The Administrator, with the approval of the Mayor, may serve as a public member of the Board. Members of the Board shall be appointed for a term expiring on the first Monday of the January following the next biennial municipal election at which a Mayor is elected. To the extent possible the Board shall reasonably reflect the racial composition of the City. The Administrator, if a member of the Board, shall not serve as Chairperson of the Board. The Board shall elect one of its members as Chairperson to serve in that capacity for a term of one (1) year. Vacancies shall be filled by the Mayor for the unexpired term. The Mayor may remove any member of the Board in accordance with the provisions of the City of Boston Code, Statutes, Title 5, Section 107.

b. *Compensation.* Each member of the Board shall receive compensation for actual service in the amount of fifteen (\$15.00) dollars per hour, or part thereof. The Administrator shall not receive any additional compensation for duties performed as a member of the Board, beyond the Administrator's salary. Members of the Board, other than the Administrator, are hereby classified as special municipal employees for the purpose of Chapter 268A of the General Laws of the Commonwealth of Massachusetts.

c. *Powers and Duties.* The Board shall be responsible for carrying out the provisions of this ordinance. The Board shall hire, with the approval of the Mayor, the Administrator. The Board shall promulgate such policies, rules, rulings and regulations, and shall issue such orders, as will further the provisions of this ordinance. The Board shall, as provided in subsections 10-2.4, 10-2.5 and 10-2.7, establish and adjust the maximum rent for housing accommodations; shall, as provided in subsection 10-2.6, adjust the rent for decontrolled housing accommodations; shall, as provided in subsection 10-2.9, grant or deny certificates of eviction; and shall bring such proceedings as may be necessary to enforce the provisions of this section or to enforce any policy, rule, ruling, regulation, or order promulgated or issued by the Board pursuant to this section. The Board may refer any appropriate matter to the assessing, building, fire, or housing inspection departments, or any other appropriate department, of the City, and may, at the request of any landlord, render a binding advisory opinion as to the permissible impact of a proposed capital improvement on the rents.

d. *Studies, Information, Investigations and Reports.* The Board may make such studies, conduct such hearings and investigations, and obtain such information as is deemed necessary in promulgating any regulation, rule or order pursuant to this ordinance and any regulations or order promulgated hereunder. For the foregoing purposes, a person may be summoned to attend and testify, to produce documents, and to prepare in a like manner as he may be summoned to attend as a witness before a court and before the City Council under Section 8 of Chapter 233 of the General Laws of the Commonwealth of Massachusetts. Any person who rents or offers for rent or acts as broker or agent for the rental of any controlled housing accommodation or decontrolled housing accommodation may be required to furnish under oath any information required by the Board which relates specifically to said housing accommodations, to provide records and other documents, and to make reports. Such persons shall have the right to be represented by counsel, and a transcript shall be taken of all testimony and such person shall have the right to examine said transcript at reasonable times and places. Section 10 of Chapter 233 of the General Laws of the Commonwealth of Massachusetts shall apply. The Board shall recommend adoption of such amendments as may be necessary to carry out the purposes of this ordinance.

(Ord. 1972 c. 19; Ord. 1974 c. 13; CBC 1975 Ord. T10 § 2; Ord. 1979 cs. 29, 37; Ord. 1981 c. 8; Ord. 1982 cs. 15, 16, 17, 26, 37; Ord. 1983 cs. 1, 9, 17, 23, 33; Ord. 1984 cs. 1, 7, 29 - 34)

10-2.3 Registration.

The Board may require registration of all controlled housing accommodations on forms approved by the Administrator. Whoever fails to file in a timely manner any statement or information required to be filed under this section shall, in addition to all other penalties pursuant to subsection 10-2.15, be subject to a fine of up to fifty (\$50.00) dollars per calendar day, or part thereof, that such failure continues. No petition for an upward adjustment of maximum rent shall be accepted by the Board until all statements and information required to be filed pursuant to this section have been filed, and all such petitions received prior to such filing shall be dismissed by the Board.

(Ord. 1972 c. 19; Ord. 1974 c. 13; CBC 1975 Ord. T10 § 3; Ord. 1979 cs. 29, 37; Ord. 1981 c. 8; Ord. 1982 cs. 15, 16, 17, 26, 37; Ord. 1983 cs. 1, 9, 17, 23, 33; Ord. 1984 cs. 1, 7, 29 - 34)

10-2.4 Maximum Rent.

The maximum rent of a controlled housing accommodation shall be the rent which was established under Chapter 842 of the Acts of 1970, and Section 13(a) of Chapter 19 of the Ordinances of 1972, as amended as adjusted by the Board pursuant to Chapter 15 of the Ordinances of 1975 as amended or Chapter 1 of the Ordinances of 1983, as amended, whichever is applicable; provided, however, the maximum rent for a rent controlled housing accommodation in a cooperative shall be the rent charged as of May 1, 1982. If the maximum rent of a controlled housing accommodation has not otherwise been established, it shall be established by the Board. Any maximum rent for a controlled housing accommodation shall be adjusted subsequently in accordance with the provisions of subsections 10-2.5 and 10-2.7.

(Ord. 1972 c. 19; Ord. 1974 c. 13; CBC 1975 Ord. T10 § 4; Ord. 1979 cs. 29, 37; Ord. 1981 c. 8; Ord. 1982 cs. 15, 16, 17, 26, 37; Ord. 1983 cs. 1, 9, 17, 23, 33; Ord. 1984 cs. 1, 7, 29 - 34)

10-2.5 Adjustment of Maximum Rent.

a. *General Adjustments.* Commencing in 1985, the Board shall annually adjust the maximum rent established pursuant to subsection 10-2.4 by percentage, for all controlled housing accommodations which have not received an adjustment during the prior calendar year and which are in compliance with Article II of the State Sanitary Code. Each such maximum rent shall be adjusted in an amount equal to the percentage increase or decrease in the consumer price index during the prior calendar year, said adjustment to become effective on the first day of June of each year commencing on June 1, 1985.

The Board may, by order or regulation as provided in subsection 10-2.7, make such other general adjustments, either upward or downward, in the maximum rent established by subsection 10-2.4 for all controlled housing accommodations or any class thereof as may be necessary to remove hardships or to correct other

inequities, and in so doing, shall observe the principle of maintaining maximum rents for controlled housing accommodations at levels which will yield to landlords a fair net operating income from such housing accommodations.

The Board shall cause a notice of any such general adjustment of maximum rents for controlled housing accommodations to be published three (3) times in at least one newspaper of general circulation in the City at least thirty (30) days prior to the effective date thereof and shall send to all landlords of controlled housing accommodations a copy of said notice by first class mail.

b. *Individual Adjustments.* The Board shall by order as provided in subsection 10-2.7, make such individual adjustments, either upward or downward, of the maximum rents established by subsection 10-2.4, or as adjusted pursuant to paragraph a. of this subsection, for any controlled housing accommodation as may be necessary to remove hardships or to correct other inequities, and in so doing, shall observe the principle of maintaining maximum rents for controlled housing accommodations which will yield to landlords a fair net operating income from such housing accommodations.

c. *Fair Net Operating Income.* In determining whether the maximum rent for a controlled housing accommodation yields a fair net operating income, the Board shall consider, without limitation, the following relevant factors:

1. Increases or decreases in property taxes;
2. Unavoidable increases or any decreases in operating and maintenance expenses;
3. Capital improvement of the controlled housing accommodation;
4. Increases or decreases in living space or housing services; and
5. Substantial deterioration of the controlled housing accommodation, other than ordinary wear and tear, or failure to perform ordinary repair, replacement or maintenance.

d. For the purposes of adjusting rents under the provisions of paragraph b. of this subsection, the Board may promulgate a schedule of standard rental increases or decreases for improvement or deterioration of specific housing services.

e. *Denial of Adjustment.* Notwithstanding any other provisions of this subsection, the Board may deny or refuse to grant any upward adjustment of the maximum rent for a controlled housing accommodation, if, upon petition of the tenant, it determines that the affected controlled housing accommodation does not comply with Article II of the State Sanitary Code or the State Building Code or the Boston Fire Prevention Code or any other applicable municipal code, ordinance, or State law, regulating the conditions or occupancy of housing accommodations. The Board may refuse to make a downward adjustment of the maximum rent for a controlled housing accommodation if it determines that the tenant is more than

sixty (60) days in arrears in tendering rent for such housing accommodation, unless such arrearage is due to a withholding of rent pursuant to the provisions of Section 127L of Chapter 111 or Section 8A of Chapter 239 of the General Laws of the Commonwealth of Massachusetts. For the purposes of this paragraph, an inspection report of a Board inspector or of any authorized State or City inspector or investigator shall be prima facie evidence that the conditions or lack of compliance reported exists.

f. The Board may remove maximum rent levels established pursuant to subsections 10-2.4, 10-2.5 or 10-2.7, for any class of controlled housing accommodations if, in its judgment the need for continuing such maximum rental levels no longer exists because of sufficient construction of new housing accommodations, the rental levels for which are comparable to the rental levels of the class of controlled housing accommodations for which the maximum rental levels are to be discontinued or because the demand for housing accommodations has otherwise been met. Any maximum rental level removed pursuant to this paragraph shall be reimposed or adjusted and reimposed upon a finding by the Board that a substantial shortage of housing accommodations exist and that such reimposition is necessary to serve the public interest. Any action under this paragraph shall be subject to the hearing and notice requirements of paragraph b. of subsection 10-2.7.

(Ord. 1972 c. 19; Ord. 1974 c. 13; CBC 1975 Ord. T10 § 5; Ord. 1979 cs. 29, 37; Ord. 1981 c. 8; Ord. 1982 cs. 15, 16, 17, 26, 37; Ord. 1983 cs. 1, 9, 17, 23, 33; Ord. 1984 cs. 1, 7, 29 - 34)

10-2.6 Rent Grievances.

All elderly, handicapped, or low- or moderate-income tenants of decontrolled housing accommodations may petition the Board on a form approved by the Administrator for a downward adjustment of the rent for such a housing accommodation if the landlord has increased the rent for said tenant's housing accommodation by percentage which is greater than the percentage increase in the consumer price index for the twelve (12) months immediately preceding the date of said tenant's petition. For the purpose of preventing rent gouging, all other tenants of decontrolled housing may petition the Board on a form approved by the Administrator for a downward adjustment of the rent for such housing accommodation if the landlord has increased the rent for said tenant's housing accommodation by a percentage greater than twelve and one-half (12.5%) percent in any one year. The Board shall, at least annually, take all reasonable steps to make such tenants aware of the provisions of this subsection and the rights and protections of all tenants existing pursuant to this section. The Administrator shall conduct a hearing with respect to all such petitions filed and shall make a recommendation to the Board. The Board shall not be bound by the Administrator's recommendation and shall evaluate independently the evidence as presented to the Administrator. The Board shall act within a reasonable time after receiving the

Administrator's recommendation; provided, however, such action shall occur within sixty (60) days after the Board's receipt of a petition. Until a decision has been made by the Board in favor of the tenant, the tenant shall be obligated to tender such rent increase as lawfully required by the landlord; provided, however, the Board shall order repayment. The Board may by regulation modify the hearing procedure provided for in this section to serve the public interest.

Any such petition shall be filed with the Board within forty-five (45) days after the tenant's receipt of the landlord's notice of the rent increase; provided, however, the Board may extend such period for filing if the tenant was unable to file the petition due to illness, absence from the City, or other good cause. The Administrator shall notify the landlord upon receipt of a petition. Failure on the part of the landlord to appear at a hearing, either in person or through counsel, on a tenant's petition pursuant to this subsection shall result in an automatic approval of said tenant's petition.

Within forty-five (45) days after the effective date of this section, annually on the second day of January, beginning in 1985, and as part of any notice of an increase in the rent for any decontrolled housing accommodation, and upon a tenant's initial taking of occupancy in a unit of a housing accommodation, every tenant shall be notified in writing of his right to file a rent grievance with the Board pursuant to this subsection. Such notice shall be in a form which has been approved by the Administrator and shall contain information respecting the conditions of eligibility and the procedure for such rent grievances. On or before February 1st of each year, the landlord shall file with the Board an affidavit, under penalty of perjury, that he has caused the notice to be mailed on or about January 2 to each such tenant. Notwithstanding any other provisions of this subsection, no landlord shall receive more than one rent adjustment in any twelve (12) month period.

(Ord. 1972 c. 19; Ord. 1974 c. 13; CBC 1975 Ord. T10 § 6; Ord. 1979 cs. 29, 37; Ord. 1981 c. 8; Ord. 1982 cs. 15, 16, 17, 26, 37; Ord. 1983 cs. 1, 9, 17, 23, 33; Ord. 1984 cs. 1, 7, 29 - 34)

10-2.7 Rent Adjustment Proceedings of Controlled Housing Accommodations.

a. *Individual Adjustment of Maximum Rent.* The Board shall consider an adjustment of rent for an individual controlled housing accommodation upon receipt of a petition for adjustment filed by the landlord or tenant of such housing accommodation or upon its own initiative. Such petition shall be made on a form approved by the Administrator. The Board shall notify the landlord and tenant if the petition was filed by the tenant, or the tenant and landlord if the petition was filed by the landlord, upon receipt of such petition of the right of either party to request a hearing in writing within fifteen (15) calendar days after the receipt of such notice, or the Board may schedule a hearing upon its own initiative. If a hearing is requested in a timely manner by either party, or if the action is

undertaken upon the initiative of the Board, notice of the time and place of the hearing shall be furnished to the landlord and the tenant and the hearing shall be conducted before a designee of the Board. The Board may consolidate petitions and actions taken under its own initiative relating to controlled housing accommodations in the same building or development, and all such petitions and actions may be considered in a single hearing.

b. *General Adjustment of Maximum Rent by Regulation.* Upon its own initiative, the Board may make a general adjustment, in addition to those required by paragraph a. of subsection 10-2.5, by percentage or otherwise, of the rental levels for any class of controlled housing accommodations subject to such conditions, if any, as the Board shall determine. Prior to making such adjustments, a public hearing shall be held before at least a majority of the Board. Notice of the time, place and purpose of such hearing shall be published three (3) times in at least one newspaper of general circulation in the City, the first such publication shall appear at least thirty (30) calendar days prior to the scheduled date of said hearing.

c. *Limitations on Petitions for Individual Adjustment.* Notwithstanding any other provision of this subsection, the Board may, without holding a hearing, refuse to adjust the maximum rent for an individual controlled housing accommodation and may dismiss any petition for adjustment if a decision has been made with respect to the maximum rent for such housing accommodation within the preceding twelve (12) months or if the Board finds that the petition for adjustment is filed for the purposes of harassment or for any other purpose not intended by this section.

d. Hearings required under paragraph a. shall be conducted in accordance with the provisions of Section 11 of Chapter 30A of the General Laws of the Commonwealth of Massachusetts, except that requirements (7) and (8) of said Section 11 shall not apply to such hearings.

(Ord. 1972 c. 19; Ord. 1974 c. 13; CBC 1975 Ord. T10 § 7; Ord. 1979 cs. 29, 37; Ord. 1981 c. 8; Ord. 1982 cs. 15, 16, 17, 26, 37; Ord. 1983 cs. 1, 9, 17, 23, 33; Ord. 1984 cs. 1, 7, 29 - 34)

10-2.8 Information to be Supplied in Connection with Tenant Petitions and Board Initiated Actions for Adjustment — Controlled Housing Accommodations.

Upon receipt by the Board of a tenant petition for adjustment of maximum rent for a controlled housing accommodation, or upon action initiated by the Board for adjustment of maximum rent for any such housing accommodation, the landlord shall furnish to the administrator, within fifteen (15) days after a written demand therefor, an information statement in forms approved by the Administrator. Whoever fails to file in a timely manner any information required to be filed under this subsection may, in addition to all other penalties pursuant to subsection 10-

2.15, be subject to a fine of up to fifty (\$50.00) dollars per calendar day, or part thereof, that such failure continues.

(Ord. 1972 c. 19; Ord. 1974 c. 13; CBC 1975 Ord. T10 § 8; Ord. 1979 cs. 29, 37; Ord. 1981 c. 8; Ord. 1982 cs. 15, 16, 17, 26, 37; Ord. 1983 cs. 1, 9, 17, 23, 33; Ord. 1984 c. 1, 7, 29 - 34)

10-2.9 Evictions; Controlled Housing Accommodations.

a. No person shall bring any action to recover possession of a controlled housing accommodation unless:

1. The tenant has failed to pay the rent to which the landlord is legally entitled;

2. The tenant has violated an obligation or covenant of tenancy other than the obligation to surrender possession upon proper notice and has failed to cure such violation after having received written notice thereof from the landlord;

3. The tenant is committing or permitting to exist a nuisance in, or is causing substantial damage to, the housing accommodation, or is creating substantial interference with the comfort, safety, or enjoyment of the landlord or other occupants of the same or any adjacent housing accommodation;

4. The tenant is convicted of using or permitting a housing accommodation to be used for any illegal purpose;

5. The tenant, who had a written rental housing agreement which terminated on or after the passage of this section has refused, after written request or demand by the landlord, to execute a written extension or renewal thereof for a further term of like duration and in such terms as are not inconsistent with or violative of any provisions of this section.

6. The tenant has refused the landlord reasonable access to the housing accommodation for the purpose of making necessary repairs or improvements required by the laws of the United States, the Commonwealth of Massachusetts, or any subdivision thereof, or for the purpose of inspection as permitted or required by the lease or by law, or for the purpose of showing the housing accommodation to any prospective purchaser or mortgagee;

7. The tenant holding at the end of a lease term is a subtenant not approved by the landlord;

8. The landlord seeks to recover possession in good faith for the use and occupancy of himself, or his children, parents, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law;

9. The landlord seeks to recover possession to demolish the same in compliance with a lawful government order;

10. The landlord seeks to recover possession for purposes of a condominium or cooperative conversion and such action for recovery is brought in compliance with the provisions of this section, or any rule, regulation or order promulgated hereunder;

11. The landlord seeks to recover possession for any other just cause, provided that his purpose is not in conflict with the provisions and purposes of this section.

A landlord seeking to recover possession of a controlled housing accommodation shall apply to the Board for a certificate of eviction. Upon receipt of such an application, the Board by first class mail, shall send a copy of the application to the tenant of the controlled housing accommodation together with a notification of all rights and procedures available pursuant to this subsection. If the Board finds that the facts attested to in the landlord's petition are valid and in compliance with paragraph a., the certificate of eviction shall be issued.

A landlord who seeks to recover possession of a controlled housing accommodation without a certificate of eviction shall be deemed to have violated this ordinance, and the Board shall initiate a criminal prosecution for such violation. Notwithstanding the provisions of this paragraph, the United States, the Commonwealth of Massachusetts, or any agency or political subdivision thereof may maintain an action or proceeding to recover possession of any housing accommodation operated by it where such action or proceeding is authorized by the statute or regulation under which such accommodations are administered.

The provisions of this paragraph shall be construed as additional restrictions upon the right to recover possession of a controlled housing accommodation. No provision of this subsection shall entitle any person to recover possession of such a controlled housing accommodation. Upon a decision of the Board concerning the granting or withholding of a certificate of eviction, either party concerned may appeal to the District Court Department of the Trial Courts for the judicial district within which the controlled housing accommodation is located or to the Housing Court Department of the Trial Courts, City of Boston Division, within thirty (30) calendar days after such decision.

b. No landlord of a vacancy decontrolled housing accommodation shall seek to recover possession of such housing accommodation without first filing with the Board and the Court an affidavit signed under the penalty of perjury, stating that such eviction is sought for one of the reasons enumerated in paragraph a. of this subsection. The landlord shall send a copy of said affidavit to the tenant. The landlord shall be required to prove such cause in any subsequent summary process action.

(Ord. 1972 c. 19; Ord. 1974 c. 13; CBC 1975 Ord. T10 § 9; Ord. 1979 cs. 29, 37; Ord. 1981 c. 8; Ord. 1982 cs. 15, 16, 17, 26, 37; Ord. 1983 cs. 1, 9, 17, 23, 33; Ord. 1984 cs. 1, 7, 29 - 34)

10-2.10 Condominium and Cooperative Conversion; Evictions.

a. *Notices.* No person shall bring any action to recover possession of a housing accommodation for the purpose of a condominium or cooperative conversion until the later of the expiration of the rental housing agreement or one year has elapsed after the date the tenant of such housing accommodation received a written notice of termination of his tenancy; provided, however, that, in the case of a dwelling unit occupied, in whole or in part, by an elderly, handicapped or low- or moderate-income tenant upon the date of the notice, until three (3) years after such date has elapsed. The burden of proving qualification with respect to age, handicap, and income shall rest with the tenant.

All notices given pursuant to this subsection shall be personally served upon the tenant or mailed to the tenant by certified mail, return receipt requested, and shall advise the tenant of the rights and procedures available under this section.

No action to recover possession of a housing accommodation for condominium or cooperative conversion shall be effective unless a master deed or articles of organization for the building or structure in which the housing accommodation is located has been duly recorded pursuant to the provisions of Chapters 183A, 156B or 157 of the General Laws of the Commonwealth of Massachusetts, prior to or within the one-year or three (3) year time period specified in this section for notice to tenant of such housing accommodations. Except with respect to decontrolled housing accommodation, upon expiration of the notice period as provided herein, the landlord must provide proof satisfactory to the Board that he has complied with the provisions of this section with respect to recovery of a housing accommodation in order to convert it to a condominium or a cooperative. If the Board finds that the proof is valid and in compliance with the provisions of this section, a certificate of eviction shall be issued.

If a landlord of a decontrolled housing accommodation seeks to recover possession of such housing accommodation for any reason other than to effect a condominium or cooperative conversion prior to the expiration of the notice period as provided in this subsection, and where appropriate, the landlord has filed with the Board an affidavit signed by him or her under the penalty of perjury stating that such eviction is not for the purpose of converting the housing accommodation to a condominium or cooperative unit.

Upon expiration of the notice period as provided in this subsection, no landlord of a decontrolled housing accommodation shall be required to obtain a certificate of eviction from the Board as a prerequisite to recovering possession of such decontrolled housing accommodation in order to effect a condominium or cooperative conversion; provided, however, that such landlord shall file with the Board an affidavit, under the penalty of perjury, that he has complied with the requirements imposed by this subsection.

b. *Rent and Rental Housing Agreement Protection.* For any tenant who receives or is entitled to receive a notice as provided in this subsection, the landlord shall extend such rental housing agreement upon the expiration thereof. Such extension or extensions shall be for a period or periods of one year or fraction thereof as shall equal the period of notice to which such tenant is entitled pursuant to the provisions of this subsection. The provisions of such rental housing agreement may not be modified by the landlord except to the extent such modification is required by law and except with respect to the amount of annual rent, any increase in which shall not exceed an amount equal to the sum which would result by multiplying said rent by the percentage increase in the consumer price index during the calendar year immediately preceding the date upon which such rental housing agreement is extended.

c. *Right to Purchase Unit.* Any tenant who receives or is entitled to receive notice pursuant to this section shall be given the right to purchase the dwelling unit he occupied at the time such notice is delivered, for substantially the same or more favorable terms and conditions as are being offered to prospective purchasers. Such tenant may exercise a right of first refusal to purchase such unit by executing a purchase and sale agreement prior to the expiration of ninety (90) days after the date of receiving a copy of the purchase and sale agreement properly executed by the person offering the unit for sale.

d. *Relocation Benefit.* Any tenant who receives or is entitled to receive a notice pursuant to this subsection, who chooses not to exercise the right to purchase the unit he or she occupies pursuant to paragraph c. hereof or who does not purchase another unit or units in the same building or buildings, shall, upon vacating said unit within the appropriate notice period as established by paragraphs a. and e. hereof, be paid by the landlord a relocation expense allowance of seven hundred fifty (\$750.00) dollars per housing accommodation; provided, however, that if such tenant is elderly, handicapped or of low or moderate income, said relocation expense allowance shall be one thousand (\$1,000.00) dollars per housing accommodation.

e. *Relocation Service to Elderly, Handicapped, or Low- or Moderate-Income Tenants.* Whenever a housing accommodation is converted to the condominium or cooperative form of ownership and such conversion results in the displacement of an elderly, handicapped, or a low- or moderate-income tenant who qualified as such on the date of the notice required by paragraph a. of this subsection, the landlord shall, in addition to paying the relocation expense allowance required by paragraph d. of this subsection, assist said tenant in locating a comparable housing accommodation within the City which rents for a sum which is suitable and appropriate in relation to said tenant's financial condition and annual income. If said tenant has resided in the housing accommodation from which he is being displaced for at least three (3) years, the landlord shall make every reasonable effort to locate such substitute housing accommodation for said tenant within the

same neighborhood of the City. If the landlord is unable to locate such substitute housing accommodation for such tenant within the period of notice required by paragraph a. of this subsection, the tenant may petition the Board for an extension of the period of the notice required by paragraph a. The Board may extend such period of notice for low- or moderate-income tenants for up to an additional period of two (2) years; but shall extend such period of notice for an additional period of two (2) years for elderly or handicapped tenants.

f. *Low-Income Tenant, or Low- or Moderate-Income Elderly, or Low- or Moderate-Income Handicapped Tenant.* Notwithstanding all notice periods and extensions thereof, as set forth in this subsection, a "low-income tenant" as defined in subsection 10-2.1 and any low- or moderate-income elderly or any low-or moderate-income handicapped tenant shall not be evicted because of condominium or cooperative conversions for the duration of this section.

g. Any tenant or tenants who have received a notice of eviction for the purpose of a condominium or cooperative conversion shall be refunded their prepaid rent and security deposits, to the extent permitted under Section 15B of Chapter 186 of the General Laws of the Commonwealth of Massachusetts.

h. During the notice periods set forth in paragraphs a., e. and f. of subsection 10-2.10, all housing accommodations as to which possession is sought for the purpose of a condominium or cooperative conversion shall be assessed for real estate tax purposes as a residential rental premises and not as condominiums or cooperatives.

(Ord. 1972 c. 19; Ord. 1974 c. 13; CBC 1975 Ord. T10 § 10; Ord. 1979 cs. 29, 37; Ord. 1981 c. 8; Ord. 1982 cs. 15, 16, 17, 26, 37; Ord. 1983 cs. 1, 9, 17, 23, 33; Ord. 1984 cs. 1, 7, 29 - 34; Ord. 1985 c. 11 § 2)

10-2.11 Removal Permits.

a. *Scope.*

1. *General Rule:* The provisions of this subsection regarding the removal of housing accommodations from rental housing use shall apply to all "housing accommodations" as defined in subsection 10-2.1.

2. *Exception:*

(a) When all of the legal or beneficial owners of a condominium or cooperative unit have resided in such unit for at least one (1) year, and such unit was his or their principal and permanent residence during such year, said owner(s) shall not subsequently be subject to the provisions of subsection 2-10.11 with respect to such unit.

(b) A condominium or cooperative unit which, on or before the effective date of this section, is legally owned by an owner occupant or by a bona fide investor owner who is not the developer, shall be subject to the provisions of subsection 2-10.11.

For purposes of this subsection, "legally owned" shall mean that, on or before the effective date of this section:¹ (i) a condominium unit deed conveying the unit to a bona fide purchaser for value has been recorded in the Suffolk County registry of deeds; or, in the case of a cooperative unit, a propriety lease has been executed leasing a unit to a bona fide purchaser for value; or (ii) a deposit check has been given and a purchase and sale agreement has been executed.

For purposes of this subsection, "developer" shall mean any landlord or other person who participates in the development, marketing, conversion or sale of housing accommodations as condominium or cooperative units. For purposes of this definition, a person who also retains ownership of individual units in any form in housing accommodations in which he has participated in the development, marketing or conversion, or has sold as condominium/cooperative units, shall be construed as a developer and not as an investor owner.

b. *Definition of Removal of Housing Accommodations From Rental Housing Use.* When used in this section the term "removal of housing accommodations from rental housing use" shall include the following activities:

1. Any activity by a landlord, developer, investor or other person which would result or is intended to result in the sale and transfer of legal title of any housing accommodation as a condominium or cooperative unit(s). Such activities shall include but not be limited to:

(a) The conversion of any housing accommodation to condominium units pursuant to General Laws, Chapter 183A.

(b) The conversion of any housing accommodation to cooperative units in accordance with General Laws, Chapters 156B, 157, and 157B.

(c) The sale or transfer of any condominium unit to any person including any investor.

2. The change in occupancy of any rental unit so as to no longer be a rental unit, including but not limited to changes in occupancy to: medical offices, professional offices, retail shops, hotels, motels, inns, parking facilities, as well as such other changes in occupancy to any industrial, commercial, charitable, institutional or business purpose not otherwise excepted from this section.

c. *Removal Prohibited.* It shall be unlawful for any person to remove a housing accommodation from rental housing use without having first obtained a removal permit from the Board subject to the provisions contained in this section.

d. *Removal Procedure.*

1. *Criteria.* In determining whether to grant or deny a removal permit the

¹Editor's Note: This subsection (ordinance) was effective on December 19, 1985.

Board shall consider the aggravation of the shortage of safe, decent and affordable rental housing units in the City and its neighborhoods, which may result from the removal especially for tenants of low or moderate income, and handicapped or elderly persons on fixed incomes. In making such determination the Board shall make findings on the following factors:

(a) The benefits and detriments to the persons whom this section and this subsection seek to protect;

(b) The hardships imposed on the tenant(s) residing in the housing accommodation proposed to be removed;

(c) Circumstances demonstrating hardship and inequity to the applicant seeking a removal permit;

(d) The rate of vacancy in the City of Boston at the time the applicant applies for a removal permit.

The Board, in its discretion, may also review other relevant factors in making its decision.

2. *Mandatory Granting of Removal Permit.* The Board shall be required to grant a removal permit where the applicant demonstrates to the Board by sufficient evidence that the removal permit is sought for one of the reasons listed below.

(a) The owner or purchaser of a condominium or cooperative unit who purchased such unit intends in good faith to occupy such unit as a principal and permanent residence.

(b) A majority of the tenants in a building have unequivocally agreed to purchase such building and convert it to a limited equity cooperative pursuant to General Laws, Chapter 157B.

(c) A majority of the tenants in the building or project will be purchasing their rental unit when it is converted to a condominium or cooperative unit and are intending in good faith to occupy such unit as their principal and permanent residence provided that all such tenants have resided in the building for at least one year prior to the filing of the removal permit application; in such cases, the Board shall grant a removal permit for the entire building or project.

For purposes of determining a "majority" under this subsection, all of the tenants residing in a rental unit shall be treated as one tenant.

For purposes of this subsection, a cancelled deposit check and a copy of the timely executed purchase and sale agreement shall be conclusive proof of the transaction and, where appropriate, a timely and duly recorded condominium unit deed, or an executed cooperative unit proprietary lease, shall also be conclusive proof of such transaction.

3. *Mandatory Denial of a Removal Permit.* Except as provided in subsection 10-2.11 d. 1 and 2, the Board shall be required to deny a removal permit where the Board finds that the purpose of a permit is to convert a housing accommodation to a condominium or cooperative unit for sale to an investor, or to sell a unit already converted to an investor.

4. *Procedures.*

(a) The Board shall consider an application for a removal permit for a housing accommodation upon receipt of an application filed by the landlord or other authorized person. Such application shall be made on a form approved by the Administrator. The Board shall notify the applicant and tenant of the receipt of an application and of the right of either party to request a hearing in writing within fifteen (15) calendar days of the date of such notice. At any time, the Board may, on its own initiative, order a hearing on any application. If a hearing is timely requested by either party, or if the action is undertaken on the initiative of the Board, notice of the time and place of the hearing shall be furnished to the applicant and tenant and the hearing shall be conducted before a designee of the Board. Hearings, final decision and notification of final decision to the applicant relative to permits shall occur within forty-five (45) days of the filing of the request. Notification of final decision to the applicant shall be by registered mail return receipt requested. The Board may consolidate applications relating to housing accommodations in the same building or development. The Board may conduct a single hearing on all such consolidated applications. The Administrator may designate a person or persons to participate in a removal proceeding, where appropriate, in order to further the provisions and purposes of this section and to serve the public interest.

(b) Removal hearings shall be conducted in accordance with the provisions of Section 11 of Chapter 30A of the General Laws except that requirements (7) and (8) of such Section 11 shall not apply to such hearings.

(c) Notwithstanding any other provision of this section, the Board may, without holding a hearing, refuse to grant a removal permit for a housing accommodation and may dismiss any application if a decision regarding a removal permit has been made with regard to such housing accommodation within the preceding twelve (12) months, or if the Board finds that the application is filed for purposes of harassment or for other purposes not intended by this section. In addition, if the application is not in conformance with the filing requirement of this subsection or applicable regulations, the Administrator may administratively dismiss such application without holding a hearing.

e. *Condominium or Cooperative Conversion Evictions Provisions.* Except as otherwise provided, any removal permit granted in order to convert, or facilitate the conversion or sale of any occupied rental unit as a condominium or cooperative unit shall be subject to the applicable provisions of subsections 10-2.9 and 10-2.10.

f. Transitional Provisions.

1. Notwithstanding any provisions of this section, any condominium or cooperative conversion eviction notices served on a tenant on or before the effective date* of this section shall be null and void except as provided herein.

2. All valid condominium or cooperative conversion eviction notices served prior to the effective date* of this section shall be treated as remaining in full force and effect provided that either: (a) a removal permit application is received by the Board within ninety (90) days of the effective date* of this section and the Board subsequently grants the removal permit; or (b) the unit is excepted from the removal permit provisions of subsection 10-2.11a,2(b).

3. All offers to purchase served on tenants on or before the effective date* of this section and all relocation hereafter required by subsection 10-2.10d. shall be treated as remaining in full force and effect.

(Ord. 1985 c. 11 § 1)

10-2.12 Duties of the Board.

Certified copies of all policies, rules, and regulations of the Board shall be forwarded to the City Clerk who shall forward them forthwith to the City Council.

(Ord. 1972 c. 19; Ord. 1974 c. 13; CBC 1975 Ord. T10 § 11; Ord. 1979 cs. 29, 37; Ord. 1981 c. 8; Ord. 1982 cs. 15, 16, 17, 26, 37; Ord. 1983 cs. 1, 9, 17, 23, 33; Ord. 1984 cs. 1, 7, 29 - 34)

10-2.13 Suspicious Fires.

In the event that any owner of property under conversion to condominiums or cooperatives suffers loss in three (3) or more such properties because of fire, the records of the Building Department and the Assessing Department shall indicate such conditions by the addition of the plans, maps, printouts, and records of the City of the words "loss by fire" on the affected structures. Any fire in a unit undergoing conversion determined by the Fire Commissioner to be a suspicious origin shall be identified in said plans, maps, printouts, and records by the addition of the words "suspicious fire."

(Ord. 1972 c. 19; Ord. 1974 c. 13; CBC 1975 Ord. T10 § 12; Ord. 1979 cs. 29, 37; Ord. 1981 c. 8; Ord. 1982 cs. 15, 16, 17, 26, 37; Ord. 1983 cs. 1, 9, 17, 23, 33; Ord. 1984 cs. 1, 7, 29 - 34)

10-2.14 Civil Remedies.

a. Any person who demands, accepts, receives, or retains any payment of rent in excess of the maximum lawful rent, in violation of the provisions of this section, or any rule, regulation or order hereunder promulgated, shall be liable as hereinafter provided to the person from whom such payment is demanded, accepted, received, or retained, or to the City for reasonable attorney's fees and

*Editor's Note: This subsection (ordinance) was effective on December 19, 1985.

costs as determined by the court, plus liquidated damages in the amount of one hundred (\$100.00) dollars, or not more than three (3) times the amount by which the payment or payments demanded, accepted, received, or retained exceed the maximum rent which could be lawfully demanded, accepted, received, or retained, whichever is the greater; provided, however, that if the defendant proves that the violation was neither willful nor the result of failure to take practicable precautions against the occurrence of the violation, the amount of such liquidated damages shall be the amount of the overcharge or overcharges.

b. If the person from whom such payment is demanded, accepted, received, or retained in violation of the provisions of this section or any rule, regulation, or order hereunder promulgated, fails to bring an action under this section within thirty (30) calendar days from the date of the occurrence of the violation, the Board may settle the claim arising out of the violation or bring such action upon its own initiative. Settlement by the Board shall thereafter bar any other person from bringing action for the violation or violations with regard to which a settlement has been reached. In the event the Board settles said claim, it shall be entitled to retain the costs it incurred in the settlement thereof, and the person against whom the violation has been committed shall be entitled to the remainder. In the event the City initiates action pursuant to the provisions of this subsection, it shall be entitled to receive attorneys' fees and costs pursuant to the provisions of paragraph a. and the person against whom the violation was committed shall be awarded liquidated damages pursuant to the provisions of said paragraph a.

c. A judgment for damages or on the merits in any action initiated pursuant to this subsection shall be a bar to any recovery pursuant to this subsection or in any other action against the same defendant on account of any violation with respect to the same person prior to the initiation of the action in which such judgment was rendered. Action to recover liquidated damages pursuant to the provisions of this subsection shall not be brought later than one year after the date of violation. A single action for damages pursuant to the provisions of this subsection may include all violations of the provisions of this subsection committed by the same defendant against the same person.

d. The District Court Department of the Trial Courts for the judicial district within which the housing accommodation affected is located and the Housing Court Department of the Trial Courts, City of Boston Division, shall severally have concurrent original jurisdiction over all actions and complaints initiated pursuant to this subsection.

(Ord. 1972 c. 19; Ord. 1974 c. 13; CBC 1975 Ord. T10 § 13; Ord. 1979 cs. 29, 37; Ord. 1981 c. 8; Ord. 1982 cs. 15, 16, 17, 26, 37; Ord. 1983 cs. 1, 9, 17, 23, 33; Ord. 1984 cs. 1, 7, 29 - 24)

10-2.15 Criminal Penalties.

a. It shall be unlawful for any person to demand, accept, receive, or retain any rent for the use or occupancy of any housing accommodations in excess of the maximum rent prescribed therefor pursuant to the provisions of this section or any rule, regulation or order hereunder promulgated, or otherwise to do or omit to do any action in violation of the provisions of this section or the rules, regulations or orders hereunder promulgated. It shall be unlawful for any person by act or omission knowingly to engage in any conduct tending to deprive a tenant of, or to prevent a tenant from exercising, any right conferred by this section, including without limitation, any such conduct tending to deprive a tenant of the peace, comfort, or enjoyment of a housing accommodation in violation of this section and any such conduct intended to result in substantial inconvenience or amounting to a violation of privacy, harassment, intimidation, threat, or coercion.

b. It shall be unlawful for any person to demand, accept, receive, or retain any payment which exceeds the maximum lawful rent for one month as a finder's fee or service charge for the opportunity to examine or lease any housing accommodation; provided, however, no finder's fee or service charge shall be lawful unless the person from whom the payment is demanded, accepted, received or retained actually rents or leases the housing accommodation with regard to which payment of said fee or said charge has been demanded, accepted, received or retained.

c. Whoever willfully violates any provision of this section or any rule, regulation or order hereunder promulgated or whoever knowingly makes any false statement in any testimony before the Board or whoever knowingly supplies any false information or knowingly makes false statement to, or files a false affidavit with, the Board shall be punished by a fine of not more than five hundred (\$500.00) dollars or by imprisonment for not more than ninety (90) days or both; provided, however, that in the case of a second or subsequent offense, such person shall be punished by a fine of not more than three thousand (\$3,000.00) dollars or by imprisonment for not more than one year or both.

d. The District Court Department of the Trial Courts for the Judicial district within which the housing accommodation affected is located and the Housing Court Department of the Trial Courts, City of Boston Division, shall severally have concurrent jurisdiction over all such actions and complaints.

(Ord. 1972 c. 19; Ord. 1974 c. 13; CBC 1975 Ord. T10 § 14; Ord. 1979 cs. 29, 37; Ord. 1981 c. 8; Ord. 1982 cs. 15, 16, 17, 26, 37; Ord. 1983 cs. 1, 9, 17, 23, 33; Ord. 1984 cs. 1, 7, 29 - 34)

10-2.16 Judicial Review.

All decisions of the Board, except as otherwise provided in this subsection, may be appealed to the District Court Department of the Trial Courts for the judicial

district within which the housing accommodation is located or to the Housing Court Department of the Trial Courts, City of Boston Division, within thirty (30) calendar days after the date of such decision; provided, however, that this section shall not be construed to provide a right of appeal of a general adjustment decision pursuant to subsection 10-2.5a.

(Ord. 1972 c. 19; Ord. 1974 c. 13; CBC 1975 Ord. T10 § 15; Ord. 1979 cs. 29, 37; Ord. 1981 c. 8; Ord. 1982 cs. 15, 16, 17, 26, 37; Ord. 1983 cs. 1, 9, 17, 23, 33; Ord. 1984 cs. 1, 7, 29 - 34)

10-2.17 Injunctions.

The Superior Court Department of the Trial Courts and the Housing Court Department of the Trial Courts, City of Boston Division, shall severally have jurisdiction to restrain by injunction any violation of this section or any rule, regulation, or order hereunder promulgated.

(Ord. 1972 c. 19; Ord. 1974 c. 13; CBC 1975 Ord. T10 § 16; Ord. 1979 cs. 29, 37; Ord. 1981 c. 8; Ord. 1982 cs. 15, 16, 17, 26, 37; Ord. 1983 cs. 1, 9, 17, 23, 33; Ord. 1984 cs. 1, 7, 29 - 34)

10-2.18 Effective Date and Duration.

This section shall become effective as of the date signed by the Mayor and shall remain in effect until December 31, 1994 or until a prior determination by the Mayor and City Council that the present rental housing emergency no longer exists.

(Ord. 1972 c. 19; Ord. 1974 c. 13; CBC 1975 Ord. T10 § 17; Ord. 1969 cs. 29, 37; Ord. 1981 c. 8; Ord. 1982 cs. 15, 16, 17, 26, 37; Ord. 1983 cs. 1, 9, 17, 23, 33; Ord. 1984 cs. 1, 7, 29 - 34)

10-2.19 Constitutional Construction.

The provisions of this section are severable, and if any of its provisions shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

(Ord. 1972 c. 19; Ord. 1974 c. 13; CBC 1975 Ord. T10 § 18; Ord. 1979 cs. 29, 37; Ord. 1981 c. 8; Ord. 1982 cs. 15, 16, 17, 26, 37; Ord. 1983 cs. 1, 9, 17, 23, 33; Ord. 1984 cs. 1, 7, 29 - 34)

10-2.20 Transitional Provisions.

a. *Scope.* Repeal of Chapter 1. Except as otherwise provided herein, Chapter 1 of the Ordinances of 1983, as amended, is hereby repealed as of the effective date of this ordinance. All matters initiated under Chapter 1 which are pending before or decided by the Board, or pending before any court, or any valid condominium or cooperative conversion eviction notice or related offer, or additional year notice

ruling initiated under the provisions of Chapter 1 or any rule, regulation or order thereunder promulgated shall be governed as provided for in this subsection.

b. Notices Sent and Matters Pending Before or Decided by the Board.

1. All decisions rendered by the Board under the provisions of Chapter 1 of the Ordinances of 1983, as amended, shall remain in full force and effect under the provisions of this section.

2. Notwithstanding any provisions of this section to the contrary, all matters pending before the Board as of the effective date of this section shall remain in full force and effect but shall be processed in accordance with the provisions of this section.

3. The provisions of said Chapter 1 of the Ordinances of 1983, as amended, shall be treated as remaining in force and effect for the purpose of sustaining in court any proper suit, action or prosecution with respect to any right, liability or offense arising under such section.

4. All valid condominium or cooperative conversion eviction notices or related offers given prior to October 3, 1984 pursuant to Chapter 1 of the Ordinances of 1983, as amended, and the applicable regulations thereunder, shall be treated as remaining in full force and effect where such notices or offers comply with the Provisions of said Chapter 1 of the Ordinances of 1983, as amended.

(a) Condominium or cooperative conversion eviction notices or related offers given pursuant to Chapter 1 of the ordinances of 1983 to tenants qualifying as low income, low or moderate income elderly, or low or moderate income handicapped under the provisions of this ordinance on the date such notice or offer was received shall be null and void and those tenants shall be entitled to the eviction ban protections of subsection 10-2.10f. of this section.

(b) The provisions of paragraph (a) above shall not apply where prior to October 3, 1984 a binding purchase and sales agreement has been executed for a specific unit and a deed has been duly recorded transferring title of such unit to an owner who certifies under oath to the Board within forty-five (45) days of the effective date of this ordinance that he or she intends to occupy the unit as his or her permanent residence. If any person so certifying shall fail to occupy said unit as his or her principal residence and place of domicile within ninety (90) days of the date the unit becomes vacant, such failure shall be determined an unfair and deceptive practice and a violation of this Chapter. Whoever willfully and falsely certifies that they intend to be an owner occupant, under the provisions of this subsection, shall be subject to a fine of two hundred (\$200.00) dollars per day for each day the offense exists or by imprisonment for a period not to exceed one (1) year or both.

(Ord. 1972 c. 19; Ord. 1974 c. 13; CBC 1975 Ord. T10 § 19; Ord. 1979 cs. 29, 37; Ord. 1981 c. 8; Ord. 1982 cs. 15, 16, 17, 26, 37; Ord. 1983 cs. 1, 9, 17, 23, 33; Ord. 1984 cs. 1, 7, 29 - 34; Ord. 1985 c. 5 § 1)

10-2.21 Renumbering Allowed by City Clerk.

The sections of this ordinance and references thereto may be renumbered by the City Clerk for the purpose only of conforming it to the City of Boston Code.

(Ord. 1972 c. 19; Ord. 1974 c. 13; CBC 1975 Ord. T10 § 20; Ord. 1979 cs. 29, 37; Ord. 1981 c. 8; Ord. 1982 cs. 15, 16, 17, 26; 37; Ord. 1983 cs. 1, 9, 17, 23, 33; Ord. 1984 cs. 1, 7, 29 - 34)

10-3 BOSTON FAIR HOUSING COMMISSION.**10-3.1 Policy of the City of Boston.**

It is the policy of the City of Boston to see that each individual, regardless of his/her race, color, religious creed, marital status, military status, handicap, children, national origin, sex, age, ancestry, sexual preference or source of income shall have equal access to housing and to encourage and bring about mutual understanding and respect among all individuals in the City by the elimination of prejudice, intolerance, bigotry and discrimination in the area of housing.

(Ord. 1982 c. 10)

10-3.2 Establishment of the Boston Fair Housing Commission, Executive Director, Staff.

There shall be in the City a Commission known as the Boston Fair Housing Commission hereinafter called the Commission, which shall be under the charge of a Board, known as the Fair Housing Commission, hereinafter called the Commission, consisting of five (5) members, known as Fair Housing Commissioners, each appointed by the Mayor.

The Commission shall consist of five (5) members appointed by the Mayor for a term of three (3) years, provided, however, that of the members first appointed to the Commission, two (2) shall be appointed to a term of one year, two (2) shall be appointed for a term of two (2) years, and one shall be appointed for a term of three (3) years. Thereafter, the Mayor shall appoint each successor to a term of three (3) years. Any vacancy occurring otherwise than by expiration of term shall be filled by the Mayor for the unexpired term.

All members of the Boston Fair Housing Commission shall be residents of the City of Boston at the time of their appointment and throughout their tenure and they shall be deemed special municipal employees for the purposes of Chapter 268A of the General Laws. At least one Commissioner shall be a tenant who, at the time of his/her appointment, shall be eligible on the basis of income for assisted housing in the City of Boston. At least one Commissioner shall be an individual regularly engaged in the business of sale and/or rental of residential real estate in

the City of Boston. At least one Commissioner shall be a member of the Board or a senior administrator of a community-based, non-profit organization in the City of Boston which seeks to address the housing needs and issues of its community, and at least one Commissioner shall be demonstrated governmental experience in civil rights.

A Chairperson of the Commission shall be annually designated by the Mayor with the advice of the Commission. Three (3) members shall constitute a quorum for the purpose of conducting the business thereof, but three (3) votes shall be required to pass any Commission decision. Reasonable per diem compensation for Commission members shall be determined by ordinance and each member shall also be entitled to his/her expenses actually and necessarily incurred in the performance of his/her duties.

There shall be in the Department an Officer, hereinafter called the Director of the Commission, appointed by the Commission, and such other personnel as the Commission may from time to time deem expedient.

The Director shall be the Executive Officer of the Commission and shall have such powers and perform such duties as the Commission shall from time to time determine. The Commission may delegate to, and recall from, the Director, whenever the Commission deems it expedient, the power to make contracts or any or all of its other powers, as the Commission may from time to time determine. (Ord. 1982 cs. 10, 33)

10-3.3 Function; Powers and Duties of the Commission.

The function of the Commission shall be to implement the policy of this section, by the exercise of the following powers and duties:

a. To receive and investigate complaints of, and to forthwith transmit by ordinary mail for filing with the Massachusetts Commission Against Discrimination ("MCAD") a copy of said complaints filed with the Commission, and to initiate its own investigation of:

1. The denial of equal access to, and discrimination in housing (regardless of the public or private source of such denial and discrimination), where such denial or discrimination against either an individual or a group is based on race, color, religious creed, marital status, handicap, military status, children, national origin, sex, age, ancestry, sexual preference or source of income.

2. The presence in the City of prejudice, intolerance, bigotry, discrimination in the area of housing.

b. To attempt by mediation to resolve any housing discrimination complaint over which it has jurisdiction and to recommend to all appropriate governmental agencies, federal, state, or local, such action as it feels will resolve any such complaint or in the case of any housing discrimination investigation which would

be aided thereby, to hold hearings, summons witnesses, compel their attendance, administer oaths, take the testimony of any person under oath and in connection therewith to require the production of any evidence relating to any matter in questions or under the investigation before the Commission. The power to summon witnesses as defined herein shall be limited to those powers and procedures as set forth in M.G.L.A. c. 233 s. 8. At any hearing before the Commission, or any Committee thereof, a witness shall have the right to be advised and represented by counsel present during any hearings.

c. After completion of any investigation or hearing on any complaint or matter not resolved by mediation, to make a written report of its findings and recommendations to the Mayor and the City Council; and to the Massachusetts Commission Against Discrimination (MCAD) on any matter within its jurisdiction; or to any court or other governmental agency having jurisdiction of the matter in question, and in all cases urging and using its best efforts to bring about compliance with its recommendations.

d. To issue such publications and such results of investigations and research as, in its judgment, will tend to promote good will and minimize or eliminate discrimination in housing because of race, color, religious creed, marital status, military status, children, handicap, national origin, sex, age or ancestry, sexual preference or source of income. All records shall be public except those that are necessary to insure privacy rights under other local, State, or Federal laws, those records that must be kept confidential in compliance with laws and rules of evidence, and those records containing unsubstantiated allegations reflecting on the character of any person.

e. To cooperate with Federal, State and City agencies, in developing courses of instruction for presentation in public and private schools, public libraries, and other suitable places, devoted to eliminating prejudice, intolerance, bigotry and discrimination in housing and showing the need for mutual self-respect and the achievement of harmonious relations among various groups in the City of Boston, and to enlist the cooperation of the various racial, religious and ethnic groups, civic and community organizations, labor organizations, fraternal and benevolent organizations and other groups to effectuate the policy of this section.

f. To create such subcommittees from the members of the Commission as, in the Commission's judgment, will best aid in effectuating the policy of this section and to empower such subcommittee to study the problems of prejudice, intolerance, bigotry, and discrimination in housing prevailing in the City of Boston.

g. To make such recommendations to the Mayor and City Council as, in its judgment, will effectuate the policy of this section and annually to make a written report to the Mayor and City Council of its activities, and to appear quarterly to make an oral report to the City Council.

h. To perform such other duties as may be prescribed under law.
(Ord. 1982 c. 10)

10-3.4 Relations with City Agencies.

So far as practicable, the services of all other City Departments, Agencies and Commissions shall be made available to the Commission for effectuating the policy of this section.

The head of any Department, Agency or other Commission shall furnish information in the possession of such Department, Agency or Commission when the Commission so requests and where such information relates to the duties and responsibilities of the Commission.

(Ord. 1982 c. 10)

10-3.5 Rules and Regulations of the Commission.

The Commission may adopt rules and regulations consistent with this section and the laws of the Commonwealth to carry out the policy and provisions of this section and the powers and duties of the Commission in connection therewith.

The Commission shall adopt rules of procedure for the conduct of its investigations and hearings. Said rules shall ensure the due process rights of all persons involved in the investigations and hearings.

Any person or persons appearing before the Commission who avails himself/herself or themselves of constitutional guarantees shall not be punished in any way by his/her availing himself/herself of such constitutional guarantees.

No complaint shall be considered unless it is filed with the Commission within one hundred eighty (180) days after the occurrence of the alleged discriminatory practice.

(Ord. 1982 c. 10)

10-3.6 Severability.

If any provision or subsection of this section shall be held to be invalid, then such provision or subsection shall be considered separately and apart from the remaining provisions or subsections of this section, which shall remain in full force and effect.

(Ord. 1982 c.10)

10-4 EMERGENCY SHELTER COMMISSION.**10-4.1 Composition of Board.**

There shall be in the City a Commission, known as the Emergency Shelter Commission, which shall be under the charge of a Board consisting of the Director of Public Facilities or his designee, the Commissioner of Health and Hospitals or his designee, and three (3) Commissioners, appointed by the Mayor, at least one of whom shall be affiliated with an organization or agency which, as a principal

activity, provides emergency shelter to homeless individuals, and at least one of whom shall have demonstrated experience in assisting members of families disrupted by intrafamily violence.

Each Commissioner shall serve a term of three (3) years, provided, however, that of the members first appointed to the Commission one shall be appointed to a term of one year, one shall be appointed to a term of two (2) years, and one shall be appointed to a term of three (3) years. Thereafter, the Mayor shall appoint each successor to a term of three (3) years. Any vacancy in office of a Commissioner shall be filled in like manner for the unexpired term.

The Commission shall elect one of its member as Chairperson to serve in that capacity for a term of one year.

The Commission shall be authorized to hire a Director and such other staff as from time to time is deemed necessary by the Commission.

The Commissioners shall serve without compensation and shall be deemed special municipal employees for the purposes of Chapter 268A of the General Laws.

(Ord. 1983 c. 4)

10-4.2 Powers and Duties.

The Commission shall create and maintain an Assistance Information Center in conjunction with appropriate public and private agencies and organizations which provide information and assistance to homeless people; shall work with appropriate public and private agencies or organizations which provide food and shelter to homeless people to coordinate the efforts of such agencies or organizations; shall operate a twenty-four (24) hour telephone information service to disseminate information among such shelter providers; shall keep daily up-to-date lists of beds available in crisis or family shelters; shall keep up-to-date lists of transitional housing opportunities, detoxification centers, lodging houses, and the location of food pantries; shall work in conjunction with City departments, agencies and other commissions to effectuate the use of vacant public buildings or tax-foreclosed buildings as temporary shelter for homeless individuals and families; shall submit quarterly written reports to the Mayor and City Council regarding the sheltering of homeless individuals and families, services provided by private and public agencies or organizations to homeless individuals and families, and the development of increased shelter during weather or other emergencies.

(Ord. 1983 c. 4; Ord. 1985 c. 14)

10-4.3 Severability.

The provisions of this section are severable and if any provision shall be held to be unconstitutional or otherwise invalid by any court of competent jurisdiction,

then such provision shall be considered separately and apart from the remaining provisions of this section, which shall remain in full force and effect.

(Ord. 1983 c. 4)

10-5 INSTITUTIONAL EXPANSION BOARD.

10-5.1 Established; Members; Terms; Qualifications.

a. There shall be a Board within the Administrative Services Department to be called the Institutional Expansion Board.

The Board shall have nine (9) members, each appointed by the Mayor, as hereinafter provided. Six (6) shall be appointed from a list of not less than twelve (12) persons determined eligible by the City Council to represent areas of the City especially impacted by institutional uses. To the extent the City Council shall determine practical, each such shall be a president or nominee of civic associations of such neighborhoods. Two (2) shall be appointed from a list of not less than four (4) residents of such neighborhoods determined eligible by the City Council; and one shall be an officer of a tax-exempt institution having an office in the City of Boston. All members shall be residents of the City of Boston and no member, or member's immediate family, shall be an employee of the City of Boston or a public institution, except for the institutional representative. Those persons who are appointed by virtue of being an officer of a civic association as described above need not hold such office for the duration of their appointment to the Board. As any vacancy occurs it shall be filled in like manner as the original appointment. In those cases where the City Council shall determine eligibility, it shall find eligible not less than two (2) persons for each vacancy to be filled. During the first three (3) years of the effectiveness of this ordinance, civic associations in the following neighborhoods shall be among those represented on the Board; Alston-Brighton, Audubon Circle, Back Bay-Beacon Hill, Chinatown, Dorchester, Fenway and Mission Hill.

(Ord. 1983 c. 12; Ord. 1984 c. 3)

10-5.2 Powers and Duties.

The Board shall have the following powers:

a. To investigate expansion by public institutions and the effect of such expansion on the City's neighborhoods and the supply of decent, affordable housing in the City.

b. To publish reports and conduct hearings on expansion of public institutions.

c. To advise other City Boards and Departments with respect to expansion by public institutions.

d. To make recommendations for preventing expansion by public institutions which results in the removal of decent, affordable housing from the City's housing market or which adversely affects a neighborhood of the City.

(Ord. 1983 c. 12)

10-5.3 Application Notice to be Sent to the Board.

The Board of Appeal, the Public Improvement Commission, the Zoning Commission, the Inspectional Services Department and the Boston Redevelopment Authority shall give prompt notice to the Board of each application of a public institution for a permit, license or other public approval.

(Ord. 1983 c. 12)

10-5.4 Terms of Members.

The terms of the members of the Board shall be as follows: For those persons who are initially appointed to the Board following enactment of this section.

— Those six (6) persons who are appointed from a list of not less than twelve (12) determined eligible by the City Council, three (3) years;

— The remaining three (3) persons, two (2) years.

(Ord. 1983 c. 12)

10-5.5 Election of Chairman; Expenses of Members.

The Board annually in May shall elect one of its members as Chairman and another as Vice-Chairman. The Board shall also elect a Secretary, who need not be a member of the Board. The members of the Board shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their duties. The Board shall cause to be made a detailed record of its proceedings, which record shall include the vote of each member participating in its decisions, and the absence of a member or a member's failure to vote. The Board shall not be subject to the supervision or control of the Director of Administrative Services.

(Ord. 1983 c. 12)

10-5.6 Definition.

As used in this section:

Public Institution shall mean any educational, literary, benevolent, charitable, health or scientific organization eligible to hold property exempt from taxation under M.G.L. Chapter 59, Section 5, including corporations, partnerships and trusts controlled or operated for the benefit of such institutions, but excluding therefrom religious organizations as defined under M.G.L. Chapter 59, Section 5, Clause 11.

(Ord. 1983 c. 12)

10-6 DECLARING A STATE OF EMERGENCY AND ESTABLISHING CONTROLS RELATIVE TO INSTITUTIONAL EXPANSION.

10-6.1 Declaration of Emergency.

A serious public emergency exists in the City of Boston which has been accentuated by the use by tax-exempt institutions of buildings having or potentially having a residential use. Such use has (a) contributed to the removal of residential housing from the market while a severe shortage exists; (b) contributed to the destruction and decay in affected residential neighborhoods; (c) created areas of the City where public order is difficult to enforce; and (d) deprived the City of needed tax revenues. In addition, this emergency cannot be dealt with solely by the operation of the private rental housing market nor by existing ordinances and unless the removal of residential units is additionally regulated and controlled, such emergency and the displacement resulting therefrom will produce serious threats to the public health, safety and general welfare of the citizens of Boston. Furthermore, public regulation is necessary in order to provide residents with a sufficient supply of decent, affordable housing, to strengthen residential neighborhoods, to encourage public order and to preserve the City's tax base. Now, therefore, pursuant to the authority vested in it by law, including without limitation, Article 2, as amended, and Articles 47 and 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts and Chapter 797 of the Acts of 1969, as amended, Chapter 450 of the Acts of 1889, Chapter 355 of the Acts of 1960, Chapter 256 of the Acts of 1953, Chapter 22 of the Acts of 1949, Chapter 473 of the Acts of 1953 and Chapter 314 of the Acts of 1962 and M.G.L. Chapter 40 and Chapter 140, ss. 22-26 be it ordained by the City Council of the City of Boston as follows;

(Ord. 1982 c. 39)

10-6.2 Definitions.

As used in this section:

"Board" shall mean the Board established to exercise powers conferred by Chapter 797 of the Acts of 1969, as amended, and any successor to that Board.

"Institutional Expansion Board" shall mean the Institutional Expansion Board of the City of Boston.

"Public Institution" shall mean any educational, literary, benevolent, charitable, health or scientific organization, eligible for exemption from taxation under M.G.L. ch. 59, s. 5, including corporations, partnerships and trusts controlled or operated for the benefit of such institutions, and any natural or non-natural person acting for the purpose of, or in anticipation of, transferring control of one or more residential units to any such organization, but excluding therefrom religious organizations as defined under M.G.L. ch. 59, s. 5, clause II.

"Removal from Market" shall mean:

a. As applied to a residential unit, includes but is not limited to action of a public institution in:

1. The occupancy of any such unit for any nonresidential use. For the purposes of this section, occupancy by students, faculty, staff or employees of a public institution, or any use not for residential purposes, shall constitute a nonresidential use.

2. The demolition of a building containing residential units, except pursuant to lawful government order; or

3. The rehabilitation, repair or improvement of a structure containing residential units, other than as required by the laws of the Commonwealth or the City, in such a way as to eliminate such units from the residential rental market; or

4. The application for a building permit to establish a different legal occupancy for a structure containing residential units; or

b. The eviction of a tenant, except for just cause determined by the Board on application of the owner, provided that just cause shall not be in conflict with this section.

c. Notwithstanding the foregoing, "Removal from the Market" shall not include any rehabilitation, repair, improvement or demolition where the owner covenants in writing with the Board to restore such unit to the residential real estate market following such rehabilitation, repair, improvement or demolition.

"Residential Unit" shall mean any unit with respect to which the City can, under Chapter 797 of the Acts of 1969, as amended, exercise rent and/or eviction controls, whether or not the City has heretofore exercised such controls.
(Ord. 1982 c. 39)

10-6.3 Removal Regulated.

In order to provide residents of the City of Boston with a sufficient supply of decent, affordable housing, to strengthen residential neighborhoods, to encourage public order and to preserve the City's tax base, no public institution shall remove from the market any residential unit, unless the Board after a public hearing grants a permit therefor. The Board may issue orders and promulgate regulations to effectuate the purposes of this subsection, and to prescribe the procedure for applications, notice, hearings, and the granting and withdrawal of permits. Copies of each application received hereunder shall be submitted for comment to the Institutional Expansion Board, the Police Commissioner and the Fire Commissioner.
(Ord. 1982 c. 39)

10-6.4 Considerations.

In deciding whether to grant a permit under this section, the Board shall grant a permit under this section only if:

- a. No significant hardship will be imposed on the tenants residing in the residential units proposed to be removed;
 - b. No significant aggravation of the shortage of decent rental housing accommodations, especially for families of low and moderate income and elderly people on fixed incomes, will result from the removal;
 - c. No significant negative or adverse effect on the neighborhood in which the unit is located will result; and
 - d. The benefits to the Public Institution seeking the permit will outweigh clearly and convincingly the adverse effects of such removal.
- (Ord. 1982 c. 39)

10-6.5 Penalties.

Any person who violates this section shall be punished by a fine of not more than five hundred (\$500.00) dollars. The removal of each residential unit shall constitute a separate violation. In addition, any violation hereof which continues for more than thirty (30) days shall be punished by a fine for every day beyond such thirty (30) days of two hundred (\$200.00) dollars a day.

(Ord. 1982 c. 39)

10-6.6 Equitable Relief.

The Board or any person aggrieved by a failure to comply with this section may enforce its provisions in a civil action for injunctive or declaratory relief.

(Ord. 1982 c. 39)

10-6.7 Rules and Regulations; Promulgation of.

The Board shall have the power to promulgate standards and regulations to effectuate the purpose of this section, which purpose is ameliorating the above emergency.

(Ord. 1982 c.39)

10-6.8 Publishing of Reports Showing Payments in Lieu of Taxes from Tax-Exempt Institutions.

The Collector-Treasurer shall publish biannually in the *City Record* and deliver to the City Council on the first day of June and December in each year reports showing payments received in lieu of taxes from tax-exempt institutions for each assessable parcel, the fair market value of such properties and the percentage of value received in lieu of taxes. In addition, such reports shall identify the agreement pursuant to which such payments are being received by the City. Copies

of such agreements shall be made available during business hours to the public in a convenient location in City Hall. The Assessor shall furnish the Collector-Treasurer with the assessments required to be published at least thirty (30) days prior to the publishing.

(Ord. 1982 c. 39)

10-6.9 Dormitory Licensing and Registration.

a. No building owned or constructively controlled by a public institution as defined in subsection 10-6.1 and occupied in whole or in part as a residence for faculty, staff and students of an institution, and no building twenty-five (25%) percent of which is rented by a college or university for residential purposes shall be occupied without a license pursuant to the provisions of this section. Hereafter, such buildings are referred to as "dormitories," notwithstanding the fact that such buildings may not be dormitories within the meaning of another code or ordinance of the City.

b. The Commissioner of Inspectional Services shall be responsible for the annual licensing of all dormitories. The Commissioner shall issue a license for each such building following inspection thereof provided:

1. It complies with the State Building Code, State Sanitary Code and the Boston Zoning Code as evidenced by an appropriate established legal occupancy and a dormitory license issued by the Licensing Board for the City of Boston; and

2. It complies with the provisions of this subsection as evidenced by a validly issued removal permit, or evidence that such structure met the above paragraph b. of this subsection prior to December 31, 1982; and

3. The Public Institution which operates or proposes to operate the structure provides clear and convincing evidence of its ability to operate such structure in a manner consistent with the public health, safety and welfare. In order to ensure that the public health, safety and welfare have been fully satisfied, the Commissioner shall hold a public hearing with respect to any dormitory for which a license has been requested upon the written petition of ten (10) residents of the City of Boston.

c. In order to more fully protect the occupants of dormitories and neighbors thereto, the owner of each dormitory shall:

1. Post and maintain on such structure adjacent to the mailboxes for such dwelling or elsewhere clearly visible to residents and non-residents a notice, not less than twenty (20) square inches in size bearing the information required by M.G.L. ch. 143, s. 35 and the names and telephone number of (A) the person(s) supervising said dormitory for the college or university administrative office; and (B) the resident described in paragraph 2. below.

2. Have a person of legal age resident in each dormitory responsible for emergencies.

3. Conspicuously post its license under this subsection in the location required by subsection 10-6.9c.,1.

d. The annual fee for each such license shall be fifty (\$50.00) dollars plus five (\$5.00) dollars for each bed or sleeping place contained therein.

e. The license required by this subsection shall be in addition to any and all other licenses which may be required by any other law, ordinance or regulation, it being the intent hereof to establish additional controls with respect to institutional use and to that end this section shall be construed as supplementing prior enactments rather than replacing any of them.

(Ord. 1982 c. 39)

10-6.10 Inspection of Dormitories; Permit. The Fire Commissioner or his designee shall annually inspect each dormitory herein to ensure full compliance with all fire and safety regulations. If a dormitory is in full compliance with said regulations, the Commissioner shall issue a permit which permit shall be prominently posted. The fee for each such permit shall be fifty (\$50.00) dollars. (Ord. 1982 c. 39)

10-6.11 Biannual Report of the Police Commissioner. The Police Commissioner shall prepare a biannual report to be published in the *City Record* and delivered to the City Council on the first day of June and December in each year reporting (1) the number of incident reports of public complaints with respect to noise and public disorder with respect to dormitories, including particular problem areas; (2) the number of fires in dormitories; (3) the number of incident reports of complaints regarding uncollected refuse attributable to occupants of dormitories; (4) a summary of the number of students resident in Boston arrested within the City; and (5) the number of crimes occurred in or attributable to occupants of dormitories. Such report shall contain recommendations concerning the improvement of public order at and around dormitories. (Ord. 1982 c. 39)

10-6.12 Effectiveness and Severability.

a. *Effectiveness.* This section shall take effect upon its passage and shall remain in effect until the above declaration of a state of emergency is revoked by the City Council.

b. *Severability.* The provisions of this section are severable. If a court declares invalid any such provision or the application of such provision to any person or circumstance, the invalidity shall not affect the validity of any other provision or application.

(Ord. 1982 c. 39)

10-7 NEIGHBORHOOD IMPACT COMMISSION.**10-7.1 Members; Qualifications.**

There shall be in the City a Board known as the Neighborhood Impact Commission, consisting of the following persons or his or her designee: two (2) members of the Mayor's Office who advise the Mayor on housing and development issues; the Commissioner of the Assessing Department; the Administrator of the Rent Equity Board; the Director of the Boston Redevelopment Authority; the Executive Secretary of the Board of Appeal; and up to three (3) other persons to assure the Board reflects the racial composition of the City; the President of the City Council; and one member who shall be the District City Councillor from each district, who shall be a "floating member" who shall sit on the Commission where issues relative to his or her district are concerned.

(Ord. 1984 c. 28)

10-7.2 No Compensation or Expenses Allowed.

All members of the Commission shall serve ex officio and shall receive no additional compensation or expenses for their service on the Commission. The members of the Commission shall be classified as special municipal employees for the purposes of General Laws, Chapter 268A.

(Ord. 1984 c. 28)

10-7.3 Duties.

The Commission shall meet at least once each month for purposes of coordinating as fully as possible the activities of the City with regard to institutional expansion. At each of its regular meetings the Commission shall receive all reports and discuss all matters relating to institutional expansion with the Chairperson of the Institutional Expansion Board or his or her designee.

All members of the said Commission shall be subject to the Residency and Voter Registration ordinance with respect to principal officers, notwithstanding any exception therein contained.

(Ord. 1984 c. 28)

CHAPTER XI

PUBLIC SERVICES

11-1 POLICE DEPARTMENT.

11-1.1 Weekly Report by Police Commissioner.

The Police Commissioner shall prepare and furnish each week to the Mayor and to the City Council a report on the number of crimes reported in the City during the previous week in the following categories, viz., murder, rape, assault, armed robbery, breaking and entering of homes, and purse-snatching, tabulated by police district (giving in addition to the district number the geographical area of the City comprising the district) and within each district tabulated according to the several police tours of duty. The Police Commissioner shall, in preparing each report, also include the cumulative reported totals of the crimes enumerated above, tabulated as aforesaid, for the year to the date of making the report.

(Ord. 1973 c. 11; CBC 1975 Ord. T11 § 1)

Cross References: Ord. ss 5-5.32; Ord. ss 17-4.5, ss 17-4.6.

11-1.2 Shotguns in Police Vehicles; Training of Officers.¹

All Boston police vehicles shall be equipped with shotguns and shotgun racks. All Boston Police Officers shall participate in a training course for the handling and operation of shotguns. All Boston Police Officers shall be awarded a certificate of training from the appropriate police officials at the completion of such training.

(Ord. 1974 c. 1; CBC 1975 Ord. T11 § 2)

11-1.3 Minimum Number of Marked Police Vehicles Required.

At all times in the various police districts of the City there shall be in use on duty no less than fifty (50%) percent plus one of all the marked police vehicles which were assigned to such districts on June 15, 1971.

(Ord. 1973 c. 14; CBC 1975 Ord. T11 § 3)

11-1.4 Police Vehicles to Be Manned Full-Time.

All Boston police vehicles, marked or unmarked, shall be manned twenty-four (24) hours a day by two (2) Boston Police Officers.

(Ord. 1973 c. 15; CBC 1975 Ord. T11 § 4)

¹This ordinance was declared invalid in *O'Neil v. White*, Suffolk Superior Court No. 683216 (1974).

11-1.5 Minimum Salaries for Patrolmen.

Effective as of January 1, 1972, the minimum annual compensation of patrolman members of the Police Department of the City, in the classifications and salary grades as herein set forth, shall be not less than the following:

For the first year of service, ten thousand five hundred (\$10,500.00) dollars.

For the second year of service, eleven thousand five hundred (\$11,500.00) dollars.

For the third and each succeeding year of service, twelve thousand five hundred (\$12,500.00) dollars.

"Service," under the provisions hereof, shall be deemed to commence with the date the appointee patrolman is first assigned to duty and continue until death, retirement, or termination of employment of the appointee. In determining years of service, credit shall be given for all time or period of service to December 31, 1971. All step increments in higher salary grade shall become due at intervals of a year's service at the beginning of the second and third years of service and shall commence on the Sunday preceding the day on which such step increments shall become due.

(Ord. 1972 c. 7; CBC 1975 Ord. T11 § 5)

11-1.6 Minimum Number of Police Officers on the Boston Police Department.

On or before July 1, 1979, the size of the Boston Police Department shall be increased by the employment of a sufficient number of patrolmen so as to bring the force to strength of not less than two thousand three hundred (2,300) Police Officers. On or before July 1, 1980, the size of the Boston Police Department shall be increased by the employment of a sufficient number of patrolmen so as to bring the force to strength of not less than two thousand five hundred (2,500). Thereafter, additional officers shall be hired from time to time as needed so as to insure that the number of Police Officers on the force shall, at no time, be less than two thousand five hundred (2,500).

(Ord. 1979 c. 2)

11-2 SECURITY ALARM SYSTEMS.**11-2.1 Alarm Information List.**

There shall be a list known as the Alarm Information List which shall consist of the following information for each unique security alarm signal:

- a. The street address and the apartment, office or suite number where the alarm is located;
- b. The name of the business and/or persons protected by the alarm system;

c. The name, address and telephone number of the subscriber;

d. The names, addresses and telephone numbers of at least two (2) other persons who can be reached twenty-four (24) hours a day and who are authorized to respond to the alarm signal, and can open the premises in which the alarm system is located.

Within ninety (90) days of enactment of this ordinance, every person, company or corporation doing business in the City as a security alarm company, or a company providing subscribers with central station alarm service, shall provide the Police Commissioner with an alarm information list setting forth all their Boston security alarm system subscribers. Further, said companies shall notify the Police Commissioner by certified mail of any changes in or additions to the alarm information list within five (5) working days. On January 1 of each year, the companies shall file a notice with the Police Commissioner confirming the accuracy of the Alarm Information List.

(Ord. 1982 c. 11)

11-2.2 Testing Equipment.

All alarm users must notify the Police Commissioner in advance of any testing of equipment. Failure to notify the Police Commissioner in advance of a testing of equipment shall constitute a false alarm and be subject to the assessment schedule contained herein in Subsection 11-2.5.

(Ord. 1982 c. 11)

11-2.3 Audible Bell or Horn.

All alarm systems which use an audible bell or horn shall be equipped with an automatic shut-off device which will deactivate the alarm system within ten (10) minutes. All alarm users with an audible bell or horn shall install and maintain such automatic shut-off device within ninety (90) days of the effective date of this ordinance.

(Ord. 1982 c. 11)

11-2.4 Restrictions on Tape Dialers and Automatic Telephone Devices.

No alarm system shall be equipped with a tape dialer or similar automatic telephone device which will transmit an alarm signal to the 911 emergency system or any telephone lines of the Boston Police Department. All alarm users must comply with this section within ninety (90) days of the effective date of this ordinance.

(Ord. 1982 c. 11)

11-2.5 False Alarms; Assessment Schedule.

After the Police Commissioner has recorded two (2) separate false alarms from an alarm user within a calendar year, the Police Commissioner shall notify the alarm user, by certified mail, of such facts and require the user to submit within ten (10) working days of receipt of such notice, a report describing the user's efforts to discover and eliminate the cause or causes of the false alarms. This notice shall contain the dates and times of each alleged false alarm. In the event that the Police Commissioner determines that a report submitted in accordance with the preceding paragraph is unsatisfactory, or that the alarm user has failed to show by the report that he has taken or will take reasonable steps to eliminate or reduce false alarms, then the Police Commissioner shall order that the use of the alarm system be discontinued for a period of thirty (30) days.

Any user of an alarm system which transmits more than two (2) false alarm signals shall be assessed a charge according to the following schedule:

Twenty (\$20.00) dollars for the third false alarm in a calendar year.

Fifty (\$50.00) dollars for the fourth false alarm in a calendar year.

One hundred (\$100.00) dollars for all subsequent false alarms.

All charges assessed hereunder shall be made payable to the City of Boston for deposit in the General Fund.

If the alarm user submits a report as required above, the Police Commissioner shall determine if the action taken or to be taken will substantially reduce the likelihood of false alarms. If it is determined that the action taken or to be taken will substantially reduce the likelihood of false alarms, then the Police Commissioner shall notify the alarm user, in writing, that no assessment will be made at that time, the alarm user will be subject to assessment procedures on the next false alarm signal transmitted.

Upon failure of the user of an alarm system to pay two (2) consecutive charges assessed hereunder, within sixty (60) days of the assessment, the Police Commissioner shall order that the user discontinue the use of the alarm system for not more than six (6) months.

Proof that a false alarm was caused by an Act of God or by the actions of the telephone company shall constitute justification for the false alarm and the assessment for that particular false alarm will be made.

The provision of this section shall not apply to alarm systems owned and/or operated by agencies of the City of Boston.
(Ord. 1982 c. 11)

11-2.6 Appeals Procedure.

Any alarm user who is aggrieved by a decision of the Police Commissioner may within five (5) working days of notice of the Police Commissioner's decision, appeal, in writing, to a panel composed of the Police Commissioner, the Public Works Commissioner, and the Traffic Commissioner, or their designees, for further consideration. All decisions made by the panel after the appeals procedure, are final.

The only grounds for appealing a decision of the Police Commissioner are:

- a. Proof that a false alarm was caused by an Act of God or by the actions of the telephone company;
- b. Written verification from the alarm user and the alarm company, that all necessary steps have been taken to upgrade, improve and insure the accuracy of the alarm system.

(Ord. 1982 c. 11)

11-2.7 Penalties.

The following acts and omissions shall constitute violations of this ordinance punishable by fine up to fifty (\$50.00) dollars.

- a. Failure to obey an order of the Police Commissioner to discontinue use of an alarm system, after exhaustion of the right of appeal.
- b. Failure to pay two (2) or more consecutive fines assessed under Subsection 11-2.5 within sixty (60) days from the date of assessment.
- c. Failure to comply with the requirements set forth in Subsections 11-2.1, 11-2.2 or 11-2.3.

(Ord. 1982 c. 11)

11-2.8 Regulations.

The Police Commissioner may promulgate such regulations as may be necessary for the implementation of this ordinance.

(Ord. 1982 c. 11)

11-3 NEIGHBORHOOD AND HUMAN SERVICES DEPARTMENT.**11-3.1 Department, Commissioner, Term.**

There shall be in the City a Department known as the Neighborhood and Human Services Department (hereinafter called the Department) which shall be under the charge of an Officer known as the Commissioner of Neighborhood and Human

Services (hereinafter called the Commissioner) who shall be appointed by the Mayor for a term expiring on the first Monday of the January following the next biennial election at which a Mayor is elected.

(Ord. 1979 c. 22; Ord. 1980 c. 6)

11-3.2 Duties of Commissioner.

The Commissioner shall have direct responsibility for the organization, administration, and operation of the Department, and the agencies included within the Department, and shall receive such salary as may be fixed from time to time by ordinance. The Commissioner may, in accordance with applicable law, and within the limits of the funds appropriated therefor, appoint and remove such subordinates as the work of the Department may require and may make such expenditure, within the limits of the funds appropriated therefor, as may be necessary to execute effectively the purposes of the Department and the agencies included within the Department.

(Ord. 1979 c. 22; Ord. 1980 c. 6)

11-3.3 Purpose of the Department.

It shall be the purpose of the Department to administer the agencies included within it and to conduct continuing observation, study, and evaluation of such agencies with a view to making specific annual recommendations to the Mayor and City Council as to whether such agencies are meeting the needs of the people within the City neighborhoods, and as to any changes in the number or organizations of such agencies so as to better serve the people of such neighborhoods.

(Ord. 1979 c. 22; Ord. 1980 c. 6)

11-3.4 Agencies Within the Department.

Any agency, purporting to exist as a City agency on July 1, 1978, which was funded by a Council appropriation order as a City agency separate and apart from the Mayor's Office, even though such agency might bear the words "Mayor's Office of" in its title, except the Office of Fiscal Affairs, which is hereby created and placed within and made a part of the Administrative Services Department, and the Office of Property Equalization, which is hereby created and placed in and made a part of the Assessing Department, and except the so called "Mayor's Office of Communications," which is hereby abolished, which is funded to an extent of less than fifty (50%) percent of funds received by the City from the United States of America, which was not created by law or ordinance, and which continues to exist on the date on which this ordinance is in force, is hereby created and shall be in and subject to the administrative control of the Department. All such agencies in the future shall not bear the words "Mayor's Office of" in their title.

(Ord. 1979 c. 22; Ord. 1980 c. 6)

11-3.5 Agencies Not Created by Law or Ordinance Abolished.

Any agency, purporting to be an agency of the City, which was not expressly created by law or ordinance, and which is not in this Department or in the Department of Federally Funded Agencies (as created by CBC 1975 Ord. 5 § 2), when this ordinance is in force, shall be and hereby is abolished.
(Ord. 1979 c. 22; Ord. 1980 c. 6)

11-3.6 Annual Report.

On or before October 1, 1980, and on or before October 1 of each succeeding year, the Department shall report in writing to the Mayor and City Council. Such reports shall include, but not be limited to, a report on all agencies within the Department, setting forth, in narrative style, their activities for the previous fiscal year, the goals for the succeeding year, which of its goals, as contained in its previous annual report were achieved, and which were not, and the reasons for any failures. The report shall also contain the number of employees, their salaries, job title, and names, as well as any other information that might be of relevance in judging the costs and benefits of the Department to the taxpayer.
(Ord. 1979 c. 22; Ord. 1980 c. 6)

11-3.7 Subordinate Positions.

If for any reason any appointment to a position with the Department, excepting that of Commissioner, is not made in accordance with the provisions of Chapter 31 of the General Laws, it shall be the responsibility of the Department to forthwith establish and promulgate, subject to approval of the City Council, rules and regulations which shall:

a. Insure that for all appointments to positions within the Department made after June 30, 1978, every responsible effort shall be made to guarantee any resident of the City, who is qualified for any such position, timely notice that such position is available, reasonable opportunity to apply for such position and equal opportunity with all qualified applicants for appointment. All positions established and all appointments to positions in agencies within the Department, excepting that of Commissioner, made after June 30, 1978, are hereby abolished and cancelled as of July 1, 1979, and if reestablished and new appointments made, such appointments shall be made in accordance with this section.

b. Insure that all employees have equal opportunity for promotion, pay increases or other job related benefits based on their work performance as such employees.

c. Insure that any employee is protected in his or her employment against any inequitable threat of demotion, loss of pay, job termination, or other unfair labor or discriminatory practice.

d. Insure that any employee is given an opportunity to join a collective bargaining unit, if he or she so chooses, without interference from any official or employee of the City.

In addition, it shall also be the responsibility of the Department to forthwith establish and promulgate, subject to approval of the City Council, job descriptions for all positions within Department which are not filled in accordance with the provisions of Chapter 31 of the General Laws.

(Ord. 1979 c. 22; Ord. 1980 c. 6)

11-3.8 Creating the Office of Public Service.

a. *Creation of Department of Social Services.* There is hereby created within the Department of Neighborhood Services (hereinafter "NHS") an office to be known as the Office of Public Service (hereinafter "OPS") which shall be under the charge of an officer, known as the Director, appointed by the Commissioner of NHS who shall have the powers and perform the duties imposed upon him by law, and who shall receive an annual salary not to exceed twenty-nine thousand (\$29,000.00) dollars.

b. *Duties of Director.* The Director may, subject to appropriations, from time to time, establish within the office such divisions as may be necessary for the efficient and economical administration of the office, and when necessary for such purpose, he may abolish any such division, or he may merge any two (2) or more of them, and may abolish or merge any such other administrative units within divisions as he may deem advisable. The Director shall prepare and keep current a statement of the organization of the office, of the assignment of functions to its various administrative units, and employees, and of the places at which and the methods whereby the public may receive information or make requests.

c. *Duties and Responsibilities of the Office of Public Services.* The Office of Public Service shall:

1. Formulate, coordinate and implement municipal policies with respect to neighborhood service delivery;

2. Respond at the local level to complaints about the provisions of services;

3. Improve the delivery of services through close cooperation with line department personnel and through recommendations for departmental change;

4. Act as the advocate for increased citizen involvement in the affairs of the municipal government; and

5. Provide needed direct services and information to the public in the most convenient and accessible manner possible.

(Ord. 1980 c. 9)

11-4 FIRE DEPARTMENT.**11-4.1 Fire Commissioner; Appointments.**

The Fire Department shall be under the charge of the Fire Commissioner, who shall exercise the powers and perform the duties provided by statute; and shall appoint a Chief of Department, Assistant Chiefs, Deputy Chiefs, District Chiefs, and other officers and firefighters.

(St. 1895 c. 449 §§ 9—11; St. 1914 c. 795; Ord. 1946 c. 1; Rev. Ord. 1961 c. 14 § 1; CBC 1975 Ord. T11 § 75)

11-4.2 Emergency Authority.

In case of a conflagration or extreme emergency involving a fire hazard, the Officer or Board having charge of the fire fighting force shall have full authority to summon and keep on duty any or all of the members of the fire fighting force while such conflagration or emergency continues.

(Rev. Ord. 1961 c. 14 § 2; CBC 1975 Ord. T11 § 76)

11-4.3 Assistance to Other Cities and Towns.

The Commissioner may furnish, on such occasions and under such conditions as he may determine, the assistance of the Department to another City, Town, or Fire District, in extinguishing fire therein, or rendering any other emergency aid or performing any detail. Agreements to provide such assistance shall be reduced to writing and executed by the Commissioner on behalf of the City in form approved by the Corporation Counsel. Copies of such agreements shall be filed with the City Clerk and City Council.

(Rev. Ord. 1961 c. 14 § 3; CBC 1975 Ord. T11 § 77; Ord. 1981 cs. 3, 18, 32; Ord. 1982 cs. 20, 36; Ord. 1983 c. 14)

11-4.4 Duties of Superintendent of Fire Alarm.

The Commissioner shall appoint a Superintendent of Fire Alarm, who shall, under the direction of the Commissioner, have the entire care and maintenance of the wires, posts, machinery, and appliances of the fire alarm telegraph and telephone system; shall see that all such wires, posts, machinery, and appliances are maintained in good order and condition; and shall keep in his office a map showing the locations of the same.

(Rev. Ord. 1961 c. 14 § 4; CBC 1975 Ord. T11 § 78)

11-4.5 Monthly Report on Fires.

The Commissioner shall make to the Mayor a monthly report of the location and number of fires that have occurred in the preceding month, the cause of the same

and the amount of property destroyed thereby, and shall, in his annual report, include a brief summary of such matters.

(Rev. Ord. 1961 c. 14 § 5; CBC 1975 Ord. T11 § 79)

Cross Reference: Ord. ss 5-5.32.

11-4.6 Notice for Hearing on Charges.

The Commissioner shall, before calling before him a member of the Department for a hearing on charges, give such member at least twenty-four (24) hours' notice of the charges made, and shall allow him to be represented at the hearing by Counsel.

(Rev. Ord. 1961 c. 14 § 6; CBC 1975 Ord. T11 § 80)

11-4.7 Minimum Salaries.

Effective as of January 1, 1972, the minimum annual compensation of firefighter members of the Fire Department of the City, in the classification and salary grades as herein set forth, shall be not less than the following:

For the first year of service, ten thousand five hundred (\$10,500.00) dollars;

For the second year of service, eleven thousand five hundred (\$11,500.00) dollars;

For the third and each succeeding year of service, twelve thousand five hundred (\$12,500.00) dollars.

"Service," under the provisions hereof, shall be deemed to commence with the date the appointee firefighter is first assigned to duty and continue until death, retirement, or termination of employment of the appointee. In determining years of service, credit shall be given for all time or period of service prior to December 31, 1971. All step increments in higher salary grade shall become due at intervals of a year's service at the beginning of the second and third years of service and shall commence on the Sunday preceding the day on which such step increments shall become due.

(Ord. 1972 c. 6; CBC 1975 Ord. T11, § 81)

11-5 FIRE PREVENTION CODE.*

The Boston Fire Prevention Code of 1979 was adopted by Ord. 1979 Chapter 28 on July 18, 1979.

(Ord. 1979 c. 28)

***Editor's Note:** Boston Fire Prevention Code of 1979 was printed as a separate document. A copy of the Boston Fire Prevention Code of 1979 is available in the Office of the City Clerk or Fire Department for use by the public. This ordinance is included by reference without the full text of the Code included herein.

11-6 PUBLIC WORKS DEPARTMENT.

11-6.1 Powers and Duties of Commissioner.*

There shall be in the City a Department, known as the Public Works Department, which shall be under the charge of an officer, known as the Commissioner of Public Works, who shall be a civil engineer of recognized standing in his profession appointed by the Mayor for a term expiring on the first Monday of the January following the next biennial municipal election at which a Mayor is elected; shall construct all streets and sewers; shall have discretionary power as to the grades, materials and other particulars of construction of streets, sidewalks and sewers; shall have charge of and keep clean and in good condition and repair the streets, all sewer systems under the control of the City and the catch-basins in the streets connected with the sewers; shall keep the streets properly watered; shall remove and dispose of, at the expense of the Public Works Department, all refuse from buildings occupied by the City except those under the control of the School Committee; shall remove and dispose of the following classes of refuse from dwelling houses and from housekeeping apartments or tenements, when it is placed in yards or areas so as to be easily removed, free of charge to the producers of such refuse and to the owners and occupants of such dwelling houses, apartments and tenements, viz., swill and kitchen garbage, dust and sweepings, ashes from fires used wholly or principally for heating or cooking, waste paper, cardboard, string, packing material, sticks, rags, waste leather and rubber, boxes, barrels, broken furniture and other similar light or combustible refuse; tins, bottles, jars, broken glass, broken crockery, bones, shells, waste or broken metals and all other similar heavy or incombustible refuse. But the Department shall not be required to take any such refuse from hotels, apartment hotels, restaurants, shops, stores, or from any other building whatever except those first hereinbefore enumerated and except buildings occupied by the City. The Department shall not so take the refuse of manufacturing or mercantile business, or dead animals, manure, plaster, building materials, earth or stones except from premises occupied by the City, but the Department may take and dispose of any refuse upon payment by the producer thereof to the City of the charge fixed by Subsection 18-1.18, paragraph 6., receive and incinerate refuse at any refuse disposal incinerator constructed, maintained and operated by the City; except that it shall not receive thereat any refuse originating outside the City. The Commissioner shall, on the fifteenth day of each month, send to the City Auditor detailed bills of all material, tools and machinery furnished by either of the Divisions of the Department to any other Division or for any special work.

***Editor's Note:** The water works system and the sewer works system of the Department of Public Works were abolished and the duties transferred to the Boston Water and Sewer Commission by Ch. 436 of the Acts of 1977.

The Commissioner shall also have the powers and perform the duties which were conferred and imposed by Chapters 2 and 3 of the Ordinances of 1905 upon the then Board of Park Commissioners with respect to portions of Commonwealth Avenue and which were transferred by Section 3 of Chapter 10 of the Ordinances of 1912 to the Board established by said Chapter 10 as the Board of Park and Recreation Commissioners and renamed the Board of Park Commissioners by Section 1 of Chapter 13 of the Ordinances of 1920 and which were subsequently transferred to the Parks and Recreation Commission by Sections 38 and 42 of Chapter 2 of the Ordinances of 1954.

(Ord. October 7, 1833; Ord. 1908 c. 3; Ord. 1910 c. 9; Ord. 1954 c. 2 § 45; Ord. 1955 c. 3; Ord. 1956 c. 8; Ord. 1959 c. 7 § 1; Rev. Ord. 1961 c. 21 § 1; CBC 1975 Ord. T11 § 150)

Cross References: Ord. ss 6-1.4; Ord. ss 7-4.2; Statutes, Title 15 Chapter 1.

11-6.2 Deputy Commissioner.

The Commissioner may, from time to time, by a writing approved by the Mayor and deposited with the City Auditor, designate, for such period as may be specified therein, one of his division engineers to be Deputy Commissioner. The Deputy Commissioner shall have authority, by virtue of such designation, to approve and sign bills, drafts, pay rolls, and requisitions, and to perform such other routine duties as the Commissioner may require, but shall not have authority to make any permanent appointments nor to make contracts, except in the absence of the Commissioner, and then only under a separate authorization under Subsection 5-5.29.

(Rev. Ord. 1961 c. 21 § 2; CBC 1975 Ord. T11 § 151)

Cross Reference: Ord. ss 5-5.29.

11-6.3 Use of Public Ways.

The Commissioner shall have the jurisdiction vested by statute in the Board of Street Commissioners in relation to the planting and removal of trees in the public ways and to the use of public ways for any temporary obstruction or projection in, under or over the same; but such jurisdiction shall only be exercised with the written approval of the Mayor in each instance. The Commissioner shall also have the powers and perform the duties conferred or imposed by statute on the Board of Street Commissioners in relation to the use of parts of public ways for the storage and sale of merchandise.

(Ord. 1954 c. 2 § 46; Rev. Ord. 1961 c. 21 § 3; CBC 1975 Ord. T11 § 152)

11-6.4 Street Lighting.

The Commissioner shall have charge of all lamps established by the City Council and maintained at the expense of the City, of all lamps set up in parks, parkways

or public grounds, and of all lamp-posts, posts or fixtures connected with such lamps, and shall set up and affix lamps in the streets; shall have the care and custody of all City property used or hereafter acquired for the purpose of street lighting, and shall maintain and keep the same in good repair.

(Rev. Ord. 1961 c. 21 § 4; CBC 1975 Ord. T11 § 153)

Cross Reference: Ord. ss 7-4.7.

11-6.5 Bridges.

The Commissioner shall have the care and management of all bridges which are used as highways, and are in whole or in part under the charge of the City; shall keep the railings and wearing surface in good order and shall remove all dirt, snow and ice from the sidewalks; shall keep all said bridges, or those parts thereof under his care, and the abutments, guards, draws and wharves thereof, clean and in good condition and repair; shall appoint drawtenders for the draws in bridges of which he has the care, and see that they properly perform their duties, and may remove them for such cause as he shall deem sufficient and shall assign in his order of removal. Each drawtender so appointed shall take charge by night and by day of the draw of which he is drawtender; shall require from the person in charge of a vessel applying to pass through the draw a true statement of the name, extreme width and draught of the vessel; shall determine the order in which vessels may pass through the draw; and may direct the placing of warping-lines, anchors, and cables, and the use of any warping apparatus provided by the City; shall cause the draw to be opened for the passage of vessels in accordance with the regulations of the Department of the Army; shall cause the draw to be closed with all possible expedition after a vessel has passed through, not permitting more than one vessel to pass through at one opening of the draw, except that, when the draw is open and the bridge is free from persons desiring to cross, he may, in his discretion, permit other vessels to pass through before causing the draw to be closed; and shall perform such additional duties as said Commissioner may require.

(Rev. Ord. 1961 c. 21 § 5; CBC 1975 Ord. T11 § 154)

Cross Reference: Statutes, Title 11 § 30.

11-6.6 Record of Sewer Construction.*

The Commissioner shall keep a book in which he shall record the date of every order for constructing a sewer, the name of the contractor or builder constructing it, the date of commencing and the date of completing the work, and the cost of the sewer. He shall make and deliver to the Collector-Treasurer all bills for assessments as they become due.

(Rev. Ord. 1961 c. 21 § 6; CBC 1975 Ord. T11 § 155)

Cross Reference: Ord. ss 6-3.5.

***Editor's Note:** The water works system and the sewer works system of the Department of Public Works were abolished and the duties transferred to the Boston Water and Sewer Commission by Ch. 436 of the Acts of 1977.

11-6.7 Sewer Plans.*

The Commissioner shall keep a plan for every existing and every new sewer, showing its depth, breadth, mode of construction and general direction, and shall, from time to time, ascertain and insert on such plans all entries made into the sewers.

(Rev. Ord. 1961 c. 21 § 7; CBC 1975 Ord. T11 § 156)

11-6.8 Notice of Sewer and Street Work.*

The Commissioner shall, when about to build a new sewer or repair an old sewer, notify all abutters on that part of the line of said sewer when he proposes to do work, and afford them facilities for entering the sewer; and shall, when about to construct a new street, at least four (4) weeks before beginning work, and, when about to make a new surface of any street, at least two (2) weeks before beginning work, notify all departments and persons authorized to place any structure in such street, and require and see that all departments and persons having any work to be done in the streets so designated shall do all such work before the surface of such street is again prepared for and opened to public travel; and, after the completion of the work then done on such street, shall not, for one year thereafter, permit any department or person to disturb the surface of such street or way within the area of such previous disturbance, except in case of obvious necessity; and shall make a record of the permits issued in such cases in a book to be kept for that purpose.

(Rev. Ord. 1961 c. 21 § 8; CBC 1975 Ord. T11 § 157)

11-6.9 Permits for Street Work; Conditions Thereof.

The Commissioner may issue permits to persons having authority in the premises to open, occupy, obstruct and use portions of the streets. Such permits shall specify the time, place, size and use of such opening, occupation, or obstruction, and shall be granted upon condition the terms of which shall be those stated in Subsection 5-5.28 of these ordinances, and upon the further conditions as follows:

a. That the restoration of the paving or other surface of such streets shall be effected by the City as directed by the Commissioner, the work to be done by City employees or by contract or otherwise at his discretion, the standard, type and extent of the repairs necessary to effect such restoration to be determined by him and to be paid for by the person receiving the permit, such payment to be made in advance on the basis of the Commissioner's estimate or during the progress or after the completion of the restoration as the Commissioner may elect.

b. That the person receiving the permit shall place and maintain from the beginning of twilight, through the whole of every night, over or near the place so

***Editor's Note:** The water works system and the sewer works system of the Department of Public Works were abolished and the duties transferred to the Boston Water and Sewer Commission by Ch. 436 of the Acts of 1977.

occupied, opened, obstructed or used, and over or near any dirt, gravel or other material placed in or near such place, a light or lights sufficient to protect travelers from injury; shall place and maintain a safe and convenient way, satisfactory to the Commissioner, for the use of foot travelers and for vehicles around or over such place; shall protect such trees as shall be designated by the Parks and Recreation Department in such manner as said Department shall specify; shall provide suitable sanitary accommodations for his employees; and shall deliver the coupon attached to the permit to an officer of the Police Force of said City on or before the expiration of the time fixed in the permit for completing the work, such coupon to be returned by said officer to the Public Works Department.

c. That the Commissioner may detail an inspector, at the expense of the person receiving the permit, to supervise said opening, occupation and use and to see that the backfilling is properly done.

d. That the Commissioner may require the person receiving the permit to enclose the place in the streets so opened, occupied or used, with a rail, fence or other guard as specified by the Commissioner.

e. That the Commissioner shall require the person receiving the permit to maintain at the expense of such person as many Boston Police Officers on special duty (outside their regular tour of duty), as the Police Commissioner may determine necessary to protect the safety and general welfare of the public and to preserve the free circulation of traffic (but in no event less than one (1) Boston Police Officer). This clause shall not prohibit reimbursement of such person for such expense if a contract between such person and the City or any other person provides such reimbursement. It shall be the duty of the Public Works Commissioner to ascertain compliance of this section prior to issuance of the permit.

Any violation of the above ordinance shall be punished by a fine of fifty (\$50.00) dollars.

(Ord. 1966 c. 5; Ord. 1967 c. 4; Rev. Ord. 1961 (Sup. 1971) c. 21 § 9; CBC 1975 Ord. T11 § 158; Ord. 1976 c. 4; Ord. 1977 c. 6, c. 14)

Cross References: St. T.4 c. 1; Ord. ss 7-1.3; ss 7-4.7.

11-6.10 Permits to Enter Drains.*

The Commissioner may issue such a permit to competent mechanics for the purpose of entering particular drains into public drains and sewers, on condition the terms of which shall be those stated in Subsection 11-6.9, and in addition that the person applying for the permit shall make connection of such drain with such sewer only in the manner shown on the back of the permit, and only in the

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presence of an inspector of the Sewer Division; shall have on the ground, when the inspector arrives to see the connection made, any slant, bend or curve to be used in making the connection; shall not cover up any work until inspected by one of such inspectors; shall not lay the drain in the same trench with a water pipe; shall not connect any exhaust from a steam engine, any blow-off from a steam boiler, or any other pipe for delivering steam or hot water, with the drain or sewer. The Commissioner shall in each drain permit specify the size, material and mode of construction of the particular drain, and the direction and grade for laying it. (Ord. 1960 c. 4 § 2; Rev. Ord. 1961 c. 21 § 10; CBC 1975 Ord. T11 § 159)

11-6.11 Permits to Obstruct Sidewalks.

The Commissioner may issue such a permit to a responsible person for the purpose of raising and lowering goods and merchandise into and from buildings, on condition the terms of which shall be those stated in Subsection 5-5.28, and in addition that the person applying for the permit shall maintain, during the whole time the work is in progress, good and sufficient barriers across the sidewalk, from the wall of the building to or from which the goods or merchandise are so raised out to the curbstone or edge of the sidewalk, on each side of said goods or merchandise, sufficient to protect travelers from injury or danger; and shall not encumber the sidewalk for more than fifteen (15) minutes at a time for such work. (Rev. Ord. 1961 c. 21 § 11; CBC 1975 Ord. T11 § 160)

Cross Reference: Ord. ss 5-5.28.

11-6.12 Permits for Coal Holes.

The Commissioner shall issue such a permit to any person authorized by the Public Improvement Commission to place a coal hole, vault or coal slide under a street, or a cover thereto, on condition the terms of which shall be those stated in Subsection 11-6.9, and in addition that the person applying for the permit shall make the underground structure of suitable construction satisfactory to the Commissioner, and shall pay such fee as may be prescribed by ordinance; shall make the opening of a coal hole or coal slide circular, and not more than eighteen (18") inches in diameter, and furnish a cover therefor of iron, made with a rough upper surface, and with three (3) or more iron rods or legs at least two (2') feet in length, fitting closely to the side of the opening, and projecting downwards from the underside of the cover, and so constructed that, while the cover can be lifted perpendicularly, it cannot be tipped or easily removed from the opening.

(Reg. Bd. of Ald. October 19, 1863; Rev. Ord. 1890 c. 18 § 8; Ord. 1954 c. 2 § 49; Rev. Ord. 1961 c. 21 § 12; CBC 1975 Ord. T11 § 161)

Cross Reference: Ord. ss 8-7.1.

11-6.13 Permits to Move Buildings.

The Commissioner shall issue such a permit to a building mover actually engaged in the business, for the purpose of moving a building through the streets, on condition the terms of which shall be those stated in Subsection 11-6.9, provided, that an application for such permit, describing the location from and to which, and the route over which, the building is to be moved, the length, width and height of the building, and the principal material of its exterior and roof, and accompanied by the written consent of the Building Commissioner to the placing of the building on the lot proposed, shall be first made to the Commissioner. Whenever it appears that the moving of a building will encumber the tracks of any railroad corporation, a public hearing shall be given by the Commissioner upon the subject before such permit is issued.

(Ord. 1954 c. 2 § 50; Rev. Ord. 1961 c. 21 § 13; CBC 1975 Ord. T11 § 162)

11-6.14 Permits for Laying Wires, Rails, Pipes and Conduits.

The Commissioner shall, when authorized thereto by an order of the Public Improvement Commission, issue such a permit to a responsible person for the purpose of laying, maintaining and using wires, railway tracks or rails in the streets, or wires, pipes or conduits under the surface thereof, on condition the terms of which shall be those stated in Subsection 11-6.9, and in addition that the person applying for the permit shall, whenever requested so to do by the Mayor, furnish in his conduits for wires accommodations free of charge for all wires belonging to, or to be used by, the City; shall remove the conduits and wires whenever directed, and not until directed, so to do by an order of the public improvement commission approved by the Mayor; and shall not disturb or interfere with any wires, pipes, or sewers lawfully laid in such street or connected therewith.

(Ord. 1954 c. 2 § 51; Rev. Ord. 1961 c. 21 § 14; CBC 1975 Ord. T11 § 163)

Cross Reference: Statutes, Title 8 § 500.

11-6.15 Permits for Poles.

The Commissioner shall, when authorized thereto by an order of the Public Improvement Commission, issue such a permit to a responsible person for the purpose of placing and maintaining in the streets poles for the support of wires, on condition the terms of which shall be those stated in Subsection 11-6.9, and in addition that the person applying for the permit shall keep the poles well painted and in good condition, to the satisfaction of the Commissioner; shall place the wires on the poles not less than twenty-one feet from the ground; shall keep the name of the person owning the pole distinctly painted on the crossbars used and occupied by him on the pole, and also on the pole at a point not less than six (6') feet nor more than eight (8') feet from the ground; shall allow the Departments of the City the exclusive use of the lowest crossbar of each pole, free of all charge, for

the purpose of placing wires thereon; shall not suffer or permit any other person to place or keep wires on the poles, or upon the fixtures thereto affixed, without permission being first obtained in writing from the Public Improvement Commission; shall not remove any pole erected under the order until, and shall remove any pole when, directed by the Public Improvement Commission so to do; and that on the violation of any term of these conditions the Commissioner shall remove the poles at the expense of the person owning them.

(Ord. 1954 c. 2 § 51; Rev. Ord. 1961 c. 21 § 15; CBC 1975 Ord. T11 § 164)

11-6.16 Bonds Required Before Delivery of Permits.

The Commissioner shall not deliver any such permit to any person for the applicant therefor until he has received from such person a certificate that a copy of the permit entered in a book kept for the purpose, is a correct copy of the permit he receives, and the applicant, unless an employee of the City applying for a permit for public work, has given a bond in the case of permits under Subsections 11-6.9, 11-6.10, 11-6.11, 11-6.12, and 11-6.13, of five thousand (\$5,000.00) dollars, and under Subsections 11-6.14 and 11-6.15, of twenty thousand (\$20,000.00) dollars, each bond, with one or more sureties satisfactory to the Commissioner, conditioned upon the faithful observance of the conditions and specifications of each and every permit thereafter issued on his application by the Commissioner; and the Commissioner may at any time require a new bond, which shall be considered a strengthening bond, unless the sureties on the former bond or bonds are expressly released from their liability by vote of the City Council. No bond shall be required of any person to open a public street for the purpose of planting a tree therein if such person has been duly authorized by the proper municipal authorities to plant trees in such street.

(Rev. Ord. 1961 c. 21 § 16; Ord. 1964 c. 2; Rev. Ord. 1961 (Sup. 1971) c. 21 § 16; CBC 1975 Ord. T11 § 165)

Cross References: Ord. ss 6-3.4; Ord. ss 7-4.8.

11-6.17 Permits Prohibited.

The Commissioner shall not issue any such permit to a person who has within twelve (12) months previous to his application violated or failed to observe the conditions or specifications of any such permit.

(Rev. Ord. 1961 c. 21 § 17; CBC 1975 Ord. T11 § 166)

11-6.18 Indemnity for City.

Every owner of an estate hereafter maintaining any cellar, vault, coal hole or other excavation under the part of the street which is adjacent to, or part of, his estate, shall do so only on condition that such maintenance shall be considered as an agreement on his part to hold the City harmless from any claims for damage to

himself or the occupants of such estate resulting from gas, sewage or water leaking into such excavation or upon such estate; and every such owner and every person maintaining a post, pole or other structure in a street, or a wire, pipe, conduit or other structure under a street, shall do so only on condition that such maintenance shall be considered as an agreement on his part with the City to keep the same and the covers thereof in good repair and condition at all times during his ownership and to indemnify and save harmless the City against any and all damages, costs, expenses or compensation which it may sustain or be required to pay, by reason of such excavation or structure being under or in the street, or being out of repair during his ownership, or by reason of any cover of the same being out of repair or unfastened during his ownership.

(304 Mass. 18; Reg. Bd. of Ald. October 19, 1863; Rev. Ord. 1890 c. 18 § 12; Rev. Ord. 1961 c. 21 § 18; CBC 1975 Ord. T11 § 167)

11-6.19 Appurtenant Structures in the Public Way.

The term "Appurtenant structures in the public way" shall include, but not be limited to, poles, hydrants, surface access to gates, valves and meters, manhole frames, pullbox frames, catch basin inlet frames, signs, shelters and any structural supports approved by the Public Improvement Commission.

(Ord. 1983 c. 2)

11-6.20 Responsibility for Condition and Maintenance of Pavement.

Any person, corporation, trust, partnership, governmental body, board, commission, authority, agency, or body politic and corporate who occupies the public or private ways of the City of Boston with proper permit from the Public Works Department or otherwise, as a condition of such occupation, shall be responsible and liable for the maintenance and restoration of all pavement within thirty (30") inches of any and all of the appurtenant structures where they intersect the surface of the public way, roadway or sidewalk, and shall maintain said areas and repair any defect in its entirety which lies wholly or in part in the said area. Defects shall include, but not be limited to: pot holes, chuckholes, frost heaves, cracking, spalling, settling, delaminating or patch repair. Repairs and restorations made by the above-mentioned parties shall be made in accordance with the specifications of, and under permit from the Boston Public Works Department, and at no cost to the City.

(Ord. 1983 c. 2)

11-6.21 Indemnity for City: Pavement Defects.

Each person, corporation, trust, partnership, governmental board, commission, authority, agency or body politic and corporate, occupying the public or private way, as a condition of such occupation, shall forever indemnify and save harmless the City of Boston against all claims and demands of all persons for damages,

costs, expenses or compensation for, on account of, or in any way growing out of, or the result of any surface defect occurring wholly or in part within the area described in Subsection 11-6.20.

When the City of Boston constructs or reconstructs the pavement adjacent to any of the above-mentioned structures, such action shall not abrogate the responsibility of the above-mentioned parties.

(Ord. 1983 c. 2)

11-6.22 Temporary Repairs on Private Ways.

a. *Petition for Temporary Repair.* Under the authority of Chapter 693, of 1977, appearing as General Laws, Chapter 40, Section 6N, the City of Boston shall, when necessity dictates, cause temporary repairs to be made on private ways which have been opened to public use for six (6) years or more. Upon the filing of a petition signed by owners of fifty (50%) percent or more of the property parcels abutting a private way, the Commission of Public Works or qualified designee shall inspect and determine what temporary relief measures may be taken to fill depressions to make the roadway satisfactory for vehicular use.

b. *City to Assume Cost of Temporary Repairs.* Temporary repairs shall be at City expense, but only include the filling of holes and depressions with sand, gravel, cinders, or other suitable materials and shall not include the resurfacing or permanent construction of private ways.

c. *Cost of Resurfacing or Permanent Patching.* At the request of owners of a majority of property lots abutting a private way, the Public Works Commissioner or designee may arrange for resurfacing or permanent patching of depressions in an existing paved way on a shared cost basis. The extent of such work shall be agreed to in advance by owners, who collectively will be assessed half the costs of such work.

d. *Apportionment of Charges of Permanent Repair.* Betterments or charges will be apportioned on the ratio of frontage owned on such private way. Taxpaying owners may pay cost in cash or have them assessed as betterments over a period of years. Tax-exempt properties will be charged for their respective share of work. The Public Works Commissioner shall supervise such work and may require that present or potential drainage problems be resolved as part of the undertaking.

(Ord. 1979 c. 10, §§ 1—3)

11-6.23 Responsibility for Area Surrounding Tracks and Rails.

All persons, corporations, trusts, partnerships, governmental bodies, boards, commissions, authorities, agencies or bodies politic and corporate who occupy the public way with tracks or rails for any purpose, as a condition of such occupation, shall be responsible and liable for the maintenance and restoration of all pavement

within twenty-four (24") inches of outside rails, within the limits of the tracks itself and the area between two (2) sets of tracks where two (2) sets of tracks exist together. The above-mentioned parties shall maintain said areas and repair any defect in its entirety which lies wholly or in part in the said area. Defects shall include, but not be limited to: pot holes, chuckholes, frost heaves, cracking, spalling, settling, delaminating or patch repair. Repairs shall be made according to the specifications of the Public Works Department, City of Boston and at no cost to said City.

(Ord. 1983 c. 2)

11-6.24 Indemnity for City; Tracks and Rails.

The above-mentioned parties, as a condition of such occupation, shall forever indemnify and save harmless the City of Boston against all claims and demands of all persons for damages, costs, expenses or compensation for, on account of or in any way growing out of, or as the result of any surface defect occurring wholly or in part within the area described in Subsection 11-6.23.

When the City of Boston, constructs or reconstructs, repairs or repaves the above-mentioned pavement, this action shall not abrogate the responsibility of the above-mentioned parties.

(Ord. 1983 c. 2)

11-6.25 Capital Improvement.

The above-mentioned parties are required to cooperate with any capital improvement desired by the City of Boston in that they must repave or reconstruct the above-mentioned areas, to Public Works Department standards, to insure the overall continuity of the project.

(Ord. 1983 c. 2)

11-6.26 Guards for Steps and Entrances.

The Commissioner shall require every person who maintains an entrance on a level with or below, or a flight of steps descending immediately from or near, the line of the street, which is not otherwise safely guarded to the satisfaction of the Commissioner, to enclose such entrance or steps with a permanent iron railing on each side at least three (3') feet high from the top of the sidewalk or pavement, and to provide the same with a gate opening inwardly, or with two (2) iron chains across the entrance way, one near the top and the other half way from the ground to the top of the railing, and to keep such gates or chains closed during the night, unless the entrance or steps are sufficiently lighted to prevent accident.

(Rev. Ord. 1961 c. 21 § 19; CBC 1975 Ord. T11 § 168)

11-6.27 Excavations Under Sidewalk.

The Commissioner shall close and fill up, at the expense of the owner of the premises abutting on a sidewalk, any excavation under such sidewalk, whether constructed under a permit or not, which has not been closed and filled up within five (5) days after the Public Improvement Commission has ordered the owner so to do.

(Ord. 1954 c. 2 § 52; Rev. Ord. 1961 c. 21 § 20; CBC 1975 Ord. T11 § 169)

Cross References: Ord. ss 8-7.1; Statutes, Title 14 § 155.

11-6.28 Record of Notices of Defects.

The Commissioner shall keep a record of the notices of defects in streets sent to him, with the name of the person giving the notice and the time when given, and shall without delay cause the locality of the alleged defect to be examined, and, if the defect is of such a character as to endanger the safety of public travel, shall do whatever may be necessary to protect the public from injury by the defect, and shall cause it to be immediately repaired.

(Rev. Ord. 1961 c. 21 § 21; CBC 1975 Ord. T11 § 170)

11-6.29 Water Supply.*

The Commissioner shall have the care and control of all property acquired or held by the City for the purposes of its water supply; shall maintain the same in good order and condition; shall use and operate the same and furnish all supplies required therefor; shall purchase, lay, maintain and test all meters, pipes and other fixtures and appliances necessary for supplying water to the inhabitants of the City, including the placing of drinking fountains and supplying the same with cold water; shall take all measures necessary to protect and preserve the purity of the water; shall exercise a constant supervision over the use of water; shall have control of the water supply and may in a public emergency shut the water off and let it on at such times as he deems necessary; shall, with the approval of the Mayor, from time to time determine and establish the rates for the use of water; shall, whenever a water rate has remained unpaid for thirty (30) days after its due date, send notice to the owner or tenant of the premises to which the water is supplied, that the water rate has become a lien on the premises and that if the water rate continues to remain unpaid, the water will be shut off; shall, if a water rate is not paid within ten (10) days after sending the notice herein provided for, shut off the water from the particular service unless such action is inconsistent with law or unless, in the opinion of a physician designated by the Commissioner, the shutting off of such water would endanger the life of any person; shall not let on again water shut off for nonpayment of a water rate until a service charge of two (\$2.00) dollars, in addition to the amount of the unpaid account, is paid except where the law requires the letting on again of the water without the payment of the unpaid account. However, the Commissioner may, in his discretion,

***Editor's Note:** The water works system and the sewer works system of the Department of Public Works were abolished and the duties transferred to the Boston Water and Sewer Commission by Ch. 436 of the Acts of 1977.

waive the payment of such two (\$2.00) dollar service charge where the unpaid account is less than twenty (\$20.00) dollars. The provisions relative to the shutting off and letting on of water shall apply when two (2) or more persons take water from the same service pipe although one or more may have been paid the amount due from him or them. No charge shall be made for sending the notice herein provided for.

(Ord. 1941 c. 6; Rev. Ord. 1961 c. 21 § 22; CBC 1975 Ord. T11 § 171)

11-6.30 Water Bills.*

The Commissioner shall, consistently with the ordinances, make contracts for the sale of water, and send out bills therefor, which shall be payable to the Collector-Treasurer; shall provide that bills for specific supplies of water shall be due and payable in advance and actually paid before the water is let on, that bills for water furnished and measured by meter shall not be less than eight (\$8.00) dollars during any consecutive twelve (12) months' period and shall be due and payable on the due date specified on each bill rendered, and that the due dates thus specified shall be so established as to require payments at least as often as semi-annually. All contracts shall stipulate that an omission to send or a failure to receive a water bill under this section or a notice under the preceding section shall not affect the validity either of the water rate or of the proceedings for its enforcement or collection.

(Ord. 1954 c. 2 § 53; Rev. Ord. 1961 c. 21 § 23; CBC 1975 Ord. T11 § 172)

Cross References: Statutes, Title 4 § 1; Ord. ss 6-3.5.

11-6.31 Water Income.*

The Commissioner may designate one of his subordinates to be the head of the Water Division, who shall, if the Commissioner so directs, make abatements of charges for water where improperly assessed and exercise the powers of the Commissioner relative to the shutting off of water for nonpayment of a water rate and the waiver of the service charge for the shutting off and letting on of water; who shall also receive all money paid for service charges for the shutting off and letting on of water and all money paid or deposited on account of main, service, fire, elevator, motor and other pipes and the laying thereof and for repair work; shall give a receipt in behalf of the City therefor; shall pay, from the money so received, the amount found by him to be due the person paying any such money, as excess over the amount due the City; and shall, on or before the fifth day of every month, pay over the money in his possession due the City, and account for all money so received by him since the last accounting, as provided in Subsection 5-5.24.

(Ord. 1930 c. 6; Rev. Ord. 1961 c. 21 § 24; CBC 1975 Ord. T11 § 173)

***Editor's Note:** The water works system and the sewer works system of the Department of Public Works were abolished and the duties transferred to the Boston Water and Sewer Commission by Ch. 436 of the Acts of 1977.

11-6.32 Water Meters.*

The Commissioner shall, from time to time, as he deems necessary, apply, remove and test water meters and maintain the same in good condition; shall record, in a book kept for the purpose, a statement of the style, size, number of each meter, date when purchased, location, date when set, reading at such date, date when taken out, the reason therefor, the reading at such date, a detailed statement of test and percentage of errors shown, and the reading and date when reset; also a description of all defects and repairs of such meters.

(Rev. Ord. 1961 c. 21 § 25; CBC 1975 Ord. T11 § 174)

11-6.33 Shutting Off Water.*

The Commissioner, whenever the water has been shut off from any premises because the bill for water has not been paid and there is a change in the ownership of the premises, may let the water on again without waiting for the payment of the amount due from the former owner. In case of contracts for specific supplies he shall shut off the water as soon as the contract has been carried out.

(Rev. Ord. 1961 c. 21 § 26; CBC 1975 Ord. T11 § 175)

Cross Reference: Statutes, Title 4 § 1.

11-6.34 Record of Water Takers.*

The Commissioner shall keep suitable books, in which shall be entered the names of all persons who take water, the kind of building in which it is taken, the name of the street and the number thereon, the nature of the use, the number of taps, and the rate assessed.

(Rev. Ord. 1961 c. 21 § 27; CBC 1975 Ord. T11 § 176)

11-6.35 Regulations for Water Takers.*

The Commissioner shall cause the following regulations to be printed on every bill for water, which regulations shall constitute a part of the contract with every taker of water furnished by the City:

a. Regulations.

1. Every water taker shall pay the rates for water furnished on his application within the time and at the place specified in the bills therefor; shall, at his own expense, keep the service pipes within his premises, including any area or vault beneath the sidewalk, in good order and repair and protected from frost; shall not allow the water to leak away or run to waste; shall not — unless he pays the rates established therefor or takes water by meter rates — use water from a

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hose; shall not use water from a hose in any case, except during such days and hours and in such manner as the Commissioner of Public Works may from time to time specify; shall not make any changes in the pipes or water fixtures under the street or within his premises, unless such change is approved by the Commissioner; shall not conceal the purpose for which the water is used; shall allow the Commissioner and persons authorized by him to enter the premises supplied with water, examine the fixtures, and ascertain the quantity of water used, the manner of use, and whether there is unnecessary waste; and shall indemnify the city for all damages it may sustain or be required to pay in consequence of any injury resulting from any violation of these regulations by the water taker.

2. Every water taker must stop the use of water for any purpose when required to do so by the Commissioner of Public Works and must guard against collapse of a boiler and other injuries liable to result from want of water, as the water is liable to be shut off at any time without notice.

3. No water taker shall, except in accordance with a written permit from the Commissioner of Public Works or in case of fire in the neighborhood, allow water to be taken from his premises, or use water for any purpose other than those for which he pays, or open any hydrant attached to the water pipes of the City.

4. No water taker shall demand or be entitled to any abatement of his water rates for any year on account of the premises being vacated, unless they are vacated before the first day of January and notice thereof is given to the Commissioner of Public Works before the first day of February of such year; nor shall any water taker demand or be entitled to any abatement of rates, compensation, or damage on account of the shutting off, or the stopping of the use, of water for any cause.

5. The Commissioner of Public Works shall equip with water meters all new services installed; shall, if a water taker refuses to allow a water meter to be placed on his premises, cause the water to be shut off from the same; may without notice, cause the water to be shut off from any premises or require the use of water for any purpose designated by him to be stopped; and may, if any water taker, whether supplied through an independent service pipe or a service pipe used in common with another, violates any of these regulations, cause the water to be shut off from all premises supplied by such pipe until satisfied that the regulations will be observed and that all amounts due for water have been paid to the Collector-Treasurer, together with such further sum, not exceeding ten (\$10.00) dollars, as the Collector-Treasurer may require.

(St. 1907 c. 524; St. 1909 c. 177; Ord. 1954 c. 2 § 54; Rev. Ord. 1961 c. 21 § 28; CBC 1975 Ord. T11 § 177)

Cross References: Statutes, Title 4 § 1; Ord. ss 6-3.5; Statutes, Title 14 § 172.

11-6.36 Engineering Work.

Except as otherwise provided by statute, the Commissioner of Public Works shall have full charge of all engineering work of every nature and description connected with all public works and all public improvements, and shall make such surveys, plans, estimates, statements and descriptions, and take such levels, as any officer of the city may need in the discharge of his duties, and shall have the custody of all surveys and plans relating to the laying out, relocating, altering, widening, constructing, making specific repairs on, and discontinuing public ways and alleys. (Ord. 1954 c. 2 § 55; Rev. Ord. 1961 c. 21 § 29; CBC 1975 Ord. T11 § 178)

11-6.37 Inspection and Measurement of Public Work.

The Commissioner shall, by himself or by his duly authorized agents, inspect and measure all public work done under his direction by any Department by contract or otherwise, and the City Auditor, in case any bill or estimate for such work is presented to him for allowance, may require from the Commissioner a certificate for such bill or estimate stating whether the materials have been furnished or the work done in accordance with proper engineering standards or in accordance with the terms of the contract for such work.

(Rev. Ord. 1961 c. 21 § 30; CBC 1975 Ord. T11 § 179)

Cross References: Statutes, Title 4 § 1; Ord. ss 6-1.4.

11-6.38 Discontinuance of Public Work.

The Commissioner shall have authority to order any public work, whether done by a Department or under contract or otherwise, to be discontinued, reconstructed or removed, whenever in his opinion such work fails in any manner to comply with or fulfill the terms, conditions, specifications and requirements of any such contract or agreement, or fails in his opinion to conform with proper engineering standards.

(Rev. Ord. 1961 c. 21 § 31; CBC 1975 Ord. T11 § 180)

Cross Reference: Statutes, Title 4 § 1.

11-6.39 Charge Against Appropriations.

Any expense incurred by the Commissioner in carrying out any of the provisions of this section, except as provided for by the appropriation for the Department of Public Works, shall be charged to the several appropriations under which the works are authorized or paid for, upon requisition of the Commissioner.

(Rev. Ord. 1961 c. 21 § 32; CBC 1975 Ord. T11 § 181)

11-6.40 Division of Engineers; Qualifications.

The Commissioner shall divide the Public Works Department from time to time into an Engineering Division and such other Divisions as the Commissioner shall adjudge necessary for the proper conduct of the Department. Each division shall

be in charge of a civil engineer of recognized standing in his profession, who shall be an expert in the duties which may devolve upon him, and shall devote his whole time to the work.

(Ord. 1954 c. 2 § 56; Ord. 1960 c. 7; Rev. Ord. 1961 c. 21 § 33; CBC 1975 T11 § 182)

11-6.41 Certificate of Qualifications of Engineers.

In appointing an engineer to take charge of a Division of the Department the Commissioner shall certify that he is a civil engineer of recognized standing in the profession, that in the Commissioner's opinion he is an expert in the work which shall devolve upon him, that he is a person specially fitted by education, training or experience to perform the duties which may devolve upon him, and that the appointment is made solely in the interest of the City, such certificate to be filed with the City Clerk and to be open to public inspection.

(Rev. Ord. 1961 c. 21 § 34; CBC 1975 Ord. T11 § 183)

11-6.42 Annual Report.

The Commissioner shall, in his annual report, include a statement of the repairs and expenditures on each street and each bridge under his charge, of the number of times each draw of a bridge has been opened for the passage of vessels, of the number of vessels laden with cargo that have passed through each draw, of the number of water takers and the purposes for which the water is taken, of the number and kind of water meters installed during the previous year, of the number and kind of water meters in use, of the number of cases where the water has been shut off, and of the number and amount of abatements which have been made during the preceding year on water rates.

(Ord. 1954 c. 2 § 57; Rev. Ord. 1961 c. 21 § 35; CBC 1975 Ord. T11 § 184)

11-6.43 Vehicles Interfering With the Removal of Snow.

For the purpose of plowing or removing snow from a street the Commissioner of Public Works or such subordinate or subordinates (as defined in Section 1-1,a, 9.) as he may from time to time designate may remove, or cause to be removed, to some convenient place, including in such term a public garage and an open-air parking space, any vehicle in such street interfering with the plowing or removal of snow therein, except a vehicle owned by the Commonwealth or a political subdivision thereof or by the United States. At the time of such removal, a record in duplicate of the registration number of every vehicle removed under this subsection, a general description of such vehicle, the date and time of removal, and the place from which as well as the place to which the vehicle is removed, shall be made by or for the Commissioner, who shall keep one copy on file and forthwith send the other copy to the Police Commissioner.

The owner of every vehicle removed under this subsection shall be liable for the cost of such removal and of the storage charges, if any, resulting therefrom;

provided that the cost of removal shall not exceed twelve (\$12.00) dollars and that the cost of storage shall not exceed fifty (\$.50) cents for the first hour (or fraction thereof), or ten (\$.10) cents for each subsequent hour (or fraction thereof), of storage.

(Ord. 1945 c. 3; Ord. 1954 c. 2 § 84; Ord. 1962 c. 2; Rev. Ord. 1961 (Sup. 1971) c. 21 § 37; CBC 1975 Ord. T11 § 185; Ord. 1977 c. 12)

Cross Reference: G.L. c. 40 § 21 c. 1.16.

11-6.44 Vehicles Interfering with the Collection of Garbage and Refuse.

For the purpose of facilitating the collection of garbage and refuse, the Commissioner of Public Works or such subordinate or subordinates (as defined in Section 1-1a,9.) as he may from time to time designate may remove, or cause to be removed, to some convenient place in the City, including in such term a public garage, from any portion of a public way in the City or from any private way therein open to public use, any vehicle parked contrary to a sign within one hundred (100') feet banning parking at such time and place, except a vehicle owned by the Commonwealth or a political subdivision thereof or by the United States. At the time of such removal, a record in duplicate of the registration number of every vehicle removed under this subsection, a general description of such vehicle, the date and time of removal, and the place from which as well as the place to which the vehicle is removed shall be made by or for the Commissioner, who shall keep one copy on file and forthwith send the other copy to the Police Commissioner.

The owner of every vehicle removed under this subsection shall be liable for the cost of such removal and of the storage charges, if any, resulting therefrom; provided that the cost of removal shall not exceed twelve (\$12.00) dollars and that the cost of storage shall not exceed fifty (\$.50) cents for the first hour (or fraction thereof), or ten (\$.10) cents for each subsequent hour (or fraction thereof), of storage.

(Ord. 1972 c. 9; CBC 1975 Ord. T11 § 186; Ord. 1977 c. 13)

Cross Reference: St. T. 11 § 258.

11-7 REAL PROPERTY DEPARTMENT.

11-7.1 Real Property Board.

a. *Appointment; Term; Compensation.* There shall be in the City a Department, known as the Real Property Department, which shall be under the charge of a Board, known as the Real Property Board, consisting of an officer, known as the Commissioner of Real Property, appointed by the Mayor, who shall be Chairman of the Board, an Officer, known as the Assistant Commissioner of Real Property, appointed by the Mayor, and three (3) other officers, known as Associate

Commissioners of Real Property, appointed by the Mayor. The Commissioner of Real Property and the Assistant Commissioner of Real Property shall each be appointed for a term expiring on the first Monday of the January following the next biennial municipal election at which a Mayor is elected and shall devote their whole time to the work. As the term of any Associate Commissioner in office when this ordinance takes effect, or of any subsequent Associate Commissioner, expires, his successor shall be appointed by the Mayor for a term of three (3) years. Any vacancy in the office of an Associate Commissioner shall be filled by the Mayor for the unexpired term. The Associate Commissioners of Real Property shall receive no compensation for their services as such Associate Commissioners.

b. *Duties of the Board.* The Real Property Board shall have the powers and perform the duties conferred or imposed on the Board of Real Estate Commissioners by Chapter 434 of the Acts of 1943, as amended, and by chapter 474 of the Acts of 1946, as amended. The Real Property Board shall also have the powers and perform the duties conferred or imposed by statute on the Board of Street Commissioners in relation to the abatement of taxes.

The Real Property Board shall divide the Real Property Department from time to time into such subdivisions as said Board shall adjudge necessary for the proper conduct of the Department.

Notwithstanding the provisions of any existing law to the contrary, the Commissioner of Real Property shall cause to be placed all future lease agreements with lessees of municipally owned parking garages a provision for police security of patrons and their property. The determination as to the amount of police security shall be made by the Police Commissioner. Any police security so provided shall be performed by off-duty Boston Police Officers. In no event shall there be less than one off-duty Police Officer employed in each such garage. The hours of work of such off-duty Police Officers shall be determined by the Police Commissioner.

(Ord. 1954 c. 2 § 58; Rev. Ord. 1961 c. 22 § 1; CBC 1975 Ord. T11 § 250; Ord. 1981 c. 17)

Cross References: St. 1943 c. 434; St. 1946 c. 474; Ord. ss 8-7.1; St. T.5 § 102.

11-7.2 Committee on Foreclosed Real Estate.

The Mayor shall appoint from the Real Property Board a Committee consisting of the Chairman and two (2) other members to be known as the Committee on Foreclosed Real Estate. Said Committee shall have the powers and perform the duties conferred or imposed by law on the Committee on Foreclosed Real Estate established under Section 4 of Chapter 434 of the Acts of 1943.

(Rev. Ord. 1961 c. 22 § 2; CBC 1975 Ord. T11 § 251)

Cross References: St. 1943 c. 434 § 4.

11-7.3 Powers and Duties of Commissioner; Appointment of Auctioneer, Superintendent of Markets.

The Commissioner of Real Property shall have the powers and perform the duties conferred or imposed on the Chairman of the Board of Real Estate Commissioners by Chapter 434 of the Acts of 1943, as amended, and shall exclusively have the powers, and perform the duties, of a Department Head with respect to the appointment, suspension, discharge, compensation and indemnification of subordinates for the Real Property Department (and the several officers thereof), including an auctioneer, who shall have the powers and perform the duties prescribed for the Auctioneer in the Office of the Board of Real Estate Commissioners by Section 2A of Chapter 652 of the Acts of 1945 as amended by Section 3 of Chapter 633 of the Acts of 1951, and including also a Superintendent of Markets, who, subject to the supervision and control of the Assistant Commissioner of Real Property, shall have the charge and control of Faneuil-Hall Market and Faneuil-Hall Market limits; shall preserve order therein; shall make such changes, and place or allow to be placed in said market such pipes, drains, and other appliances, as he may deem proper; and shall take and forthwith destroy any article of food which in his opinion is diseased, unwholesome, or tainted, and is kept for sale within such market limits. Said Superintendent may assign stands within such market limits for the sale of provisions and other articles, and may, at the expense of the owner thereof, remove from one place or stand to another within such limits, or to, and to be kept in, a proper storage place until the expense is paid, any merchandise, vehicle or animal, not under the charge of any person, or not immediately so removed on the direction of said Superintendent or his deputies.

(St. 1943 c. 78; Ord. 1946 c. 5; Rev. Ord. 1961 c. 22 § 3; CBC 1975 Ord. T11 § 252)

Cross References: St. 1943 c. 434; St. 1945 c. 652 § 2A; St. 1951 c. 633 § 3.

11-7.4 Assistant Commissioner of Real Property, Powers and Duties.

The Assistant Commissioner of Real Property shall have the care, custody and management of, shall make all repairs in and upon, and shall keep in repair the furniture of, all buildings and parts of buildings belonging to or hired by the City, not wholly in charge of one Department, or for which no other provision is made by statute or ordinance, whether the same are used for City or County purposes, and may, with the approval of the Mayor, hire such buildings or rooms as may be required for such purposes; shall have the care and control of the City Hall and the City Hall Annex; shall have the care and custody of the flags belonging to the City Hall and to the Old State House; shall display the national flag upon the City Hall on every day, except Sundays, weather permitting; shall have charge of all City property in the armories provided by the City for the militia; and shall cause to be included in the annual report of the Real Property Board a statement of the kind and amount of City property in such armories, of all buildings belonging to or used

by the City, and of the land and appurtenances thereof, of the condition of such buildings and land, and the nature and amount of the expenditures that have been made during the preceding year relative thereto.

(Ord. July 1, 1850; Rev. Ord. 1961 c. 22 § 4; CBC 1975 Ord. T11 § 253)

Cross Reference: Ord. ss 1-2.4; 1-2.5.

11-7.5 Assistant Commissioner of Real Property to Have Custody of Faneuil Hall.

The Assistant Commissioner of Real Property shall have the care, custody and management of Faneuil Hall, shall, weather permitting, every day except Sundays, display the national flag upon the building in which said hall is located, shall, upon vote of the City Council approved by the Mayor and payment of the charge prescribed by Subsection 18-1.18, paragraph 4., permit the use of said Hall, and shall hold all persons signing the application for such permit jointly and severally liable for all damage done to said hall at or in connection with the meeting for which such permit is granted.

(Ord. 1956 c. 7 § 5; Rev. Ord. 1961 c. 22 § 5; CBC 1975 Ord. T11 § 254)

Cross References: Ord. Section 1-3; Ord. Section 16-21.

11-7.6 Lease of Stalls by Assistant Commissioner of Real Property.

The Assistant Commissioner of Real Property shall lease, from time to time, by instruments approved as to form by the Corporation Counsel and approved in writing by the Mayor, the stalls, cellars, and second floor in Faneuil-Hall Market for terms of three (3) years at the rents established by the City Council and upon such other terms and conditions as may be approved by the Corporation Counsel and the Mayor.

(Rev. Ord. 1961 c. 22 § 6; CBC 1975 Ord. T11 § 255)

Cross References: Ord. ss 2-7.4; Statutes T4 § 8; Ord. ss 5-8.1.

11-7.7 Care of Dillaway House by Assistant Commissioner of Real Property.

The Assistant Commissioner of Real Property shall have the care, custody and management of the Dillaway House, so called, in the Roxbury district of the City, may establish rules and regulations for the use and preservation of said house as a historical relic of the Revolutionary War, and may, upon vote of the City Council approved by the Mayor, let or lease the whole or any part of said house to a historical society or other association organized for historical purposes.

(Ord. 1934 c. 1; Rev. Ord. 1961 c. 22 § 7; CBC 1975 Ord. T11 § 256)

11-7.8 Designation of Ward-Rooms.

The Assistant Commissioner of Real Property shall designate, in the places named in orders of the City Council, a suitable room to be used for a ward-room

for the ward in which it is situated. If any such room cannot be so used at any time, said Assistant Commissioner shall provide accommodation elsewhere for any public meeting in such ward for which he shall issue a permit.

(St. 1914 c. 630; Rev. Ord. 1961 c. 22 § 8; CBC 1975 Ord. T11 § 257)

Cross References: G.L. c. 54 § 1; Ord. ss 2-3.2; Ord. ss 16-21.

11-7.9 Assistant Commissioner to Have Custody of Ward-Rooms.

The Assistant Commissioner of Real Property shall have the care and custody of, shall determine the use of, and provide for opening, closing, lighting, and heating the ward-rooms; shall frame and keep in some conspicuous place therein a copy of this and the following section, and as soon as a list or a revised list of voters in a ward is prepared by the Election Commissioners shall keep posted or hung up a copy thereof in the ward-room of the ward in such a manner as to be readily accessible to the public, and such copies shall be altered, revised or removed only under the direction of the Election Commissioners or said Assistant Commissioner.

(Rev. Ord. 1961 c. 22 § 9; CBC 1975 Ord. T11 § 258)

Cross Reference: Ord. ss 2-3.1.

11-7.10 Permits for Ward-Rooms; Revocation, Conditions.

The Assistant Commissioner of Real Property, when a written application (containing a copy of the call for a meeting notifying all persons who may be present that it will be subject to the provisions of this section) is made to him by not less than five (5) legal voters of a ward for the use of a ward-room for the purpose of holding such a meeting, and when he is paid such sum of money as will in his opinion be sufficient to defray the expense of opening, lighting, heating, and closing the ward-room during the time specified in the permit, may issue a permit for the use of such ward-room, which permit may at any time be revoked by the Mayor. Said Assistant Commissioner shall specify in the permit the time and purpose of the meeting, and that the meeting will be subject to the following provisions, viz.: Only legal voters in the ward in which such meeting is held, and to whom no objection is made by the majority of such applicants as are present or by the presiding officer of such meeting, shall mark or vote, or remain at such meeting, and the members of the police force present shall keep the peace at such meeting, obey the lawful orders of, and remove such persons as shall be designated by, the majority of such applicants as are present, or after the election of a presiding officer of the meeting, such persons as shall be designated by such presiding officer. Said Assistant Commissioner shall request the Police Commissioner to detail police sufficient to enforce such provisions.

(Rev. Ord. 1961 c. 22 § 10; CBC 1975 Ord. T11 § 259)

11-7.11 Allotment of Spaces Within City Hall Garage.

Notwithstanding any other provision of ordinance, the Real Property Board shall make available not less than twelve (12) spaces for the parking of automobiles within the garage at City Hall for the exclusive use of the City Council or members of its staff as such spaces may be assigned by the City Council. The remaining spaces in said garage shall be available for the use of other City officials as may be assigned by the Mayor.

(Ord. 1981 c. 1)

11-8 LIBRARY DEPARTMENT AND TRUSTEES OF THE PUBLIC LIBRARY.**11-8.1 Duties of Trustees.**

The Library Department shall be under the charge of a Board of five (5) Trustees, who shall adopt such measures as shall extend the benefits of the institution as widely as possible, and may from time to time establish branch libraries and delivery stations in different sections of the City; and shall annually appoint an examining Committee of not less than five (5) persons, not members of the Board who, with one of the Board as Chairman, shall examine the library and make to the Board a report of its conditions.

(St. 1853 c. 38; St. 1878 c. 114; St. 1885 c. 266 §§ 6, 12; Rev. Ord. 1961 c. 18 § 1; CBC 1975 Ord. T11 § 350)

11-8.2 Annual Report.

The Board shall, in its annual report, include a statement of the condition of the library, the number of books that have been added thereto during the year, the report of the Committee appointed to examine the library, and the total amount of money received from fines and sales.

(Rev. Ord. 1961 c. 18 § 2; CBC 1975 Ord. T11 § 351)

11-9 CIVIL DEFENSE DEPARTMENT.**11-9.1 Department of Civil Defense Established.**

There is hereby established a Department of Civil Defense (hereinafter called the "Department"). It shall be the function of the Department to have charge of civil defense as defined in Section 1, Chapter 639, Acts of 1950, and to perform civil defense functions as authorized or directed by said Chapter or by any and all executive orders or general regulations promulgated thereunder, and to exercise any authority delegated to it by the Governor under said Chapter 639.

(Ord. 1950 c. 8; Rev. Ord. 1961 (Temporary Ord.); CBC 1975 Ord. T11 § 400)

Cross Reference: St. 1950 c. 639 § 1.

11-9.2 Director of Civil Defense.

The Department shall be under the direction of a Director of Civil Defense (hereinafter called the "Director"), who shall be appointed as prescribed by law. The Director shall have direct responsibility for the organization, administration, and operation of the Department subject to the direction and control of the appointing authority and shall receive such salary as may be fixed from time to time by the appointing authority. The Director may, within the limits of the amount appropriated therefor, appoint such experts, clerks, and other assistants as the work of the Department may require and may remove them, and may make such expenditures as may be necessary to execute effectively the purposes of Chapter 639, Acts of 1950. The Director shall also have authority to appoint District Coordinators and may accept and may receive on behalf of the City, services, equipment, supplies, materials, or funds by way of gift, grant, or loan for purposes of civil defense, offered by the Federal government or any agency or officer thereof or any person, firm or corporation, subject to the terms of the offer and the rules and regulations, if any, of the agency making the offer. The Director shall cause appropriate records to be kept of all matters relating to such gifts, grants, or loans.

(Ord. 1950 c. 8; Rev. Ord. 1961 (Temporary Ord.); CBC 1975 Ord. T11 § 401)

Cross Reference: St. 1950 c. 639.

11-9.3 Civil Defense Advisory Council.

There is hereby established a Civil Defense Advisory Council (hereinafter called the "Council"). Said Council shall serve without pay and shall consist of the Director of Civil Defense, such other Department heads and such other persons as the authority appointing said Director may deem necessary. Such member of said Council as said appointing authority shall designate shall serve as Chairman of said Council. Said Council shall serve subject to the direction and control of the appointing authority and shall advise said appointing authority and the Director on matters pertaining to civil defense.

(Ord. 1950 c. 8; Rev. Ord. 1961 (Temporary Ord.); CBC 1975 Ord. T11 § 402)

11-9.4 Police Aid to Other Cities and Towns in Event of Riots and Other Violence Therein.

The Police Department is hereby authorized to go to aid another City or Town at the request of said City or Town in the suppression of riots or other forms of violence therein.

(Ord. 1950 c. 8; Rev. Ord. 1961 (Temporary Ord.); CBC 1975 Ord. T11 § 403)

Cross Reference: Ord. s 11-1.

11-9.5 Termination of Ordinance.

This ordinance shall remain in force during the effective period of Chapter 639, Acts of 1950, and any act in amendment or continuation thereof or substitution therefor.

(Ord. 1950 c. 8; Rev. Ord. 1961 (Temporary Ord.); CBC 1975 Ord. T11 § 404)

Cross Reference: St. 1950 c. 639.

11-9.6 Definition.

All references to Chapter 639, Acts of 1950, as now in force shall be applicable to any act or acts in amendment or continuation of or substitution for said Chapter 639.

(Ord. 1950 c. 8; Rev. Ord. 1961 (Temporary Ord.); CBC 1975 Ord. T11 § 405)

Cross Reference: St. 1950 c. 639.

CHAPTER XII

PUBLIC HEALTH AND WELFARE

12-1 DEPARTMENT OF HEALTH AND HOSPITALS AND TRUSTEES OF HEALTH AND HOSPITALS.

12-1.1 Department of Health and Hospitals.

There shall be in the City a Department, known as the Department of Health and Hospitals, as provided in the Charter as that term is defined in clause Fifth of Section 7 of Chapter 4 of the General Laws.

(Ord. December 2, 1872; Ord. 1954 c. 2 § 31; Ord. 1968 c. 14 § 5; Ord. 1970 c. 3 § 1; Rev. Ord. 1961 (Sup. 1971) c. 15 § 1; CBC 1975 Ord. T12 § 1)

Cross Reference: G.L. c. 4 § 7 c. 1.5.

12-1.2 Approval for Closing or Reducing Bed Capacity of Facilities.

The Board of Health and Hospitals shall not close, or reduce the bed capacity of, any facility under its control without the prior approval of the Mayor and the City Council.

This ordinance shall be broadly construed.

(Ord. 1973 c. 1; CBC 1975 Ord. T12 § 2)

12-2 VETERANS SERVICES DEPARTMENT.

12-2.1 Veterans Benefits and Services Commissioner; Power and Duties.

There shall be in the City a Department, known as the Veterans Services Department, which shall be under the charge of an officer, known as the Veterans Benefits and Services Commissioner, who shall be a veteran as defined in Section 1 of chapter 115 of the General Laws, shall be appointed by the Mayor for a term expiring on the first Monday of the January following the next biennial municipal election at which a Mayor is elected, and shall have the powers and perform the duties from time to time conferred or imposed by statute upon the Soliders' Relief Commissioner of Boston, Veterans' Agents appointed under Section 3 of said

Chapter 115, and Directors of Veterans' Services appointed under Section 10 of said Chapter 115.

(St. 1897 c. 441; Ord. 1946 c. 9; Ord. 1954 c. 2 § 66; Rev. Ord. 1961 c. 26 § 1; CBC 1975 Ord. T12 § 50)

Cross Reference: G.L. c. 115 §§ 1, 3, 10.

12-2.2 Divisions; Appointment of Deputies.

The Veterans Benefits and Services Commissioner may divide the Veterans Services Department from time to time into such divisions as he may deem necessary for the proper conduct of the Department, and, with the written approval of the Mayor in each instance, may appoint such Deputy, and such Assistant, Veterans Benefits and Services Commissioners as he may from time to time deem necessary; provided, however, that no person other than a veteran as defined in Subsection 12-2.1 shall be eligible for such appointment.

(Rev. Ord. 1961 c. 26 § 2; CBC 1975 Ord. T12 § 51)

12-2.3 Supervision of Veterans Graves and Registration.

There shall be in the Veterans Services Department an Officer, known as the Supervisor of Veterans Graves and Registration, appointed by the Mayor, who shall have the powers and perform the duties from time to time conferred or imposed by general laws applicable to Boston on persons appointed under Section 9 of Chapter 115 of the General Laws. The Supervisor of Veterans Graves and Registration shall not be subject to the supervision or control of the Veterans Benefits and Services Commissioner; but unless otherwise ordered by the Mayor, such supervisor shall not communicate with the Mayor, or make an annual or other report, except through such Commissioner.

(Rev. Ord. 1961 c. 26 § 3; CBC 1975 Ord. T12 § 52)

Cross Reference: G.L. c. 115 § 9.

12-3 COUNCIL ON AGING.

12-3.1 Officers; Appointment, Term, Compensation.

There shall be in the City a Board, known as the Commission on Affairs of the Elderly, consisting of an Officer, known as the Commissioner on Affairs of the Elderly, appointed by the Mayor for a term expiring on the first Monday of the January following the next biennial municipal election at which a Mayor is elected, who shall be Chairman of the Board and shall devote his whole time to the work, and ten (10) other officers, known as Associate Commissioners on Affairs of the Elderly, appointed by the Mayor (for terms of four (4) years). As the term of any such Associate Commissioner expires, his successor shall be appointed by the Mayor for a term of four (4) years. Any vacancy in the office of an Associate

Commissioner shall be filled by the Mayor for the unexpired term. The Associate Commissioners shall serve without compensation.

(Ord. 1968 c. 5; Ord. 1970 c. 4 § 2; Rev. Ord. 1961 (Sup. 1971) c. 4A § 1; CBC 1975 Ord. T12 § 100)

12-3.2 Powers and Duties.

The Commission on Affairs of the Elderly shall be cognizant of Federal and State legislation concerning financial assistance, information exchange, and planning for better community programming for the elderly, and shall coordinate or carry out programs designed to meet the problems of the elderly in coordination with programs of the Commission on Aging established under Section 73 of Chapter 6 of the General Laws or its successor in function. The Commission on Affairs of the Elderly shall send to said Commission or its successor in function a copy of the annual report transmitted by it to the Mayor under subsection 5-5.34 of these ordinances.

(Ord. 1968 c. 5; Ord. 1970 c. 4 § 2; Rev. Ord. 1961 (Sup. 1971) c. 4A § 2; CBC 1975 Ord. T12 § 101)

12-3.3 Creating Centers for Older Americans.

There shall be in the City, under the auspices of the Commission on Elderly Affairs, a Division of Center for Older Americans.

Said Division shall establish centers throughout the City, to provide for and accommodate the needs of the elderly.

Said centers shall be staffed and operated by the elderly.
(Ord. 1975 c. 10; CBC 1975 Ord. T12 § 102)

12-3.4 Home Repair Program for Seniors.

There shall be in the City, within the Commission on Affairs of the Elderly, a program known as the Home Repair Program for Seniors, which shall be administered by the Commissioner. Said program shall facilitate repairs which are non-structural in nature to homes owned and occupied by elderly persons, and to units rented by elderly persons in buildings of four (4) or fewer units. The Commissioner shall make every effort to utilize technical and vocational students from the Boston Public School system to make such repairs. The Commissioner shall coordinate funding for the program from Federal, State and private sources and shall work with private, non-profit agencies which conduct similar programs to ensure that such work is fairly and equitably performed on a City wide basis.

The program described herein shall be administered totally by the Neighborhood Development and Employment Agency (NDEA) of the City of Boston.
(Ord. 1984 c.27)

12-4 COMMISSION ON THE PHYSICALLY HANDICAPPED.**12-4.1 Composition of Board.**

There shall be in the City a Board, known as the Commission on the Physically Handicapped, consisting of the Director of Administrative Services, ex officio, or his designee, and eight (8) persons appointed by the Mayor, each for a term expiring on the first Monday of the January following the next biennial municipal election at which a Mayor is elected. Said persons shall include a physician registered in the Commonwealth and specializing in the care and treatment of the physically handicapped, and a teacher or other educator holding a certificate from the State Board of Education and specializing in the education of the physically handicapped. In making the other appointments to be made by him, the Mayor shall give consideration to the appointment of persons associated with, or representative of, the Board to Facilitate the Use of Public Buildings by the Physically Handicapped, the Massachusetts Rehabilitation Commission, the Massachusetts Council of Organizations of the Handicapped, Inc., the deaf community, and the blind community.

The Mayor shall from time to time designate one of the members of the Board as Chairman. The Vice-Chairman shall be elected by the Board by a majority vote. The Board may appoint a clerical assistant.

All members of the Board shall serve without compensation, but shall be reimbursed for expenses necessarily incurred in the performance of their duties. (Ord. 1971 c. 3; Rev. Ord. 1961 (Sup. 1971) c. 20A § 1; CBC 1975 Ord. T12 § 150)

12-4.2 Powers and Duties.

The Commission on the Physically Handicapped shall meet at least once each month; shall issue an annual report of its activities to the Mayor and City Council; shall coordinate as fully as possible the work of all public and private agencies dealing with the needs and problems of the physically handicapped; may conduct either independently or in conjunction with any appropriate agency such programs relating to the needs of the physically handicapped as the Commission deems necessary; and may at any time propose new programs for the City and request proper financing for such programs as the Commission judges feasible in view of the particular program and the needs of the City in regard to the physically handicapped.

(Ord. 1971 c. 3; Rev. Ord. 1961 (Sup. 1971) c. 20A § 2; CBC 1975 Ord. T12 § 151)

Cross Reference: ss 5-5.32.

12-5 COMMISSION ON MENTAL RETARDATION.

12-5.1 Composition of Board.

There shall be in the City a Board, known as the Commission on Mental Retardation, consisting of the Commissioner of Parks and Recreation and the Commissioner of Health and Hospitals, ex officio, or their respective designees, and thirteen (13) persons appointed by the Mayor, each for a term expiring on the first Monday of the January following the next biennial municipal election at which a Mayor is elected. In making the appointments to be made by him, the Mayor shall give consideration to the appointment of persons associated with, or representative of, the Division of Social and Rehabilitation Services in the Federal Department of Health, Education and Welfare; the Area Director for Community Mental Health and Retardation Area VI in the Commonwealth, the Division of Special Education in the City's School Department, and the Greater Boston Association for Retarded Children; and nine (9) inhabitants of the City who are parents of retarded children and indicate a willingness to serve on the Board.

The Mayor shall, from time to time, designate one of the members of the Board as Chairman. The Vice-Chairman shall be elected by the Board by majority vote. The Board may appoint a clerical assistant.

All members of the Board shall serve without compensation, but shall be reimbursed for expenses necessarily incurred in the performance of their duties. (Ord. 1970 c. 1; Ord. 1971 c. 5; Rev. Ord. 1961 (Sup. 1971) c. 18A § 1; CBC 1975 Ord. T12 § 200)

Cross References: Statutes, Title 12 § 1.

12-5.2 Duties.

It shall be the duty of the Commission on Mental Retardation to meet at least once each month; to coordinate to the fullest possible extent the work of all public and private agencies dealing with the problems besetting the parents of children who are mentally retarded and assisting retarded children in any manner; to bring about a continual dialogue and exchange of views between Federal, State, and local agencies concerned with the effective administration of programs for the mentally retarded; to conduct either independently or in conjunction with the School Committee of the City or any other appropriate agency such education programs as the Board deems necessary; to coordinate the existing recreational programs for retarded children and to initiate where appropriate new and innovative recreational programs for retarded children. The board shall issue an annual report of its activities to the Mayor and City Council and shall at all times be free to suggest new programs for the City and request proper financing for such programs as the Board feels feasible for the program and the City's needs in the area of mental retardation.

(Ord. 1970 c. 1; Rev. Ord. 1961 (Sup. 1971) c. 18A § 2; CBC 1975 Ord. T12 § 201)

Cross References: Ord. ss 5-5.32; Statutes, Title 7 §§ 109, 110.

12-6 YOUTH ACTIVITIES COMMISSION AND CORPORATION.

No Ordinances Apply. See Special Statutes.
(CBC 1975 Ord. T 12 c. 11)

12-7 DRUG ABUSE COORDINATING COUNCIL.**12-7.1 Composition of Board.**

There shall be in the City a Board, known as the Coordinating Council on Drug Abuse, consisting of the Corporation Counsel, the Commissioner of Health and Hospitals, the Penal Institutions Commissioner, the Police Commissioner and the Chairman of the Youth Activities Commission, ex officiis, or their respective designees, and sixteen (16) persons appointed by the Mayor each for a term expiring on the first Monday of the January following the next biennial municipal election at which a Mayor is elected. In making the appointments to be made by him, the Mayor shall give consideration to the appointment of persons associated with, or representative of, the Federal Bureau of Narcotics and Dangerous Drugs, the Division of Food and Drugs in the State Department of Public Health, the probation officers of the Municipal Court of the City of Boston, the Boston Juvenile Court, and the other municipal and district courts in the City, the public, and the nonpublic, schools in the City, the Model Cities Drug Program, the Boston Teachers Union, the Drug Treatment and Drug Education Committee of United Community Services of Metropolitan Boston, and the project currently coordinated by the Boston University Mental Health Center and the Boston College-Urban League Joint Center for Intercity Change. At least two (2) of the persons appointed by the Mayor shall be doctors or psychologists who have dealt with the medical and psychological problems of youth in Boston.

The Mayor shall from time to time designate one of the members of the Board as Chairman and another as Vice-Chairman. The Mayor shall designate a full-time executive secretary of the Board. The Board may appoint clerical assistance.

All members of the Board shall serve without compensation, but shall be reimbursed for expenses necessarily incurred in the performance of their duties.
(Ord. 1969 c. 17; Rev. Ord. 1961 (Sup. 1971) c. 10C § 1; CBC 1975 Ord. T12 § 300)

12-7.2 Duties.

It shall be the duty of the Coordinating Council on Drug Abuse to meet at least once a month; to coordinate to the fullest possible extent the work of all public and private agencies dealing with drug abuse; to effect an ongoing dialogue and exchange of views between such agencies; to conduct, either independently or in conjunction with the School Committee of the City, such drug education programs as said Council deems advisable; to conduct studies, investigations and research

into the sources and use of harmful drugs and narcotic drugs as those terms are respectively defined in Section 187A and Section 197 of Chapter 94 of the General Laws, as now or hereafter amended; to pursue a course of action to insure that all laws governing the sale, possession and use of both harmful and narcotic drugs are duly enforced; and by the use of such media of communication as said Council shall from time to time deems appropriate, keep the inhabitants of the City informed respecting the use of both harmful and narcotic drugs.

(Rev. Ord. 1961 (Sup. 1971) c. 10C § 2; CBC 1975 Ord. T12 § 301)

Cross Reference: G.L. c. 94 §§ 187A, 197.

12-8 PENAL INSTITUTIONS DEPARTMENT.

12-8.1 Powers and Duties of Commissioner.

The Penal Institutions Department shall be under the charge of the Penal Institutions Commissioner, who shall exercise the powers and perform the duties provided by statute; and shall have the charge and control of Deer Island and the House of Correction at Deer Island.

(St. 1895 c. 449 § 14; St. 1896 c. 536 § 9; St. 1897 c. 395 § 5; St. 1928 c. 389; Ord. 1924 c. 9; Rev. Ord. 1961 c. 20 § 1; CBC 1975 Ord. T12 § 350)

12-8.2 House of Correction at Deer Island.

The Penal Institutions Commissioner shall exercise the powers and perform the duties in regard to the House of Correction at Deer Island and the prisoners committed thereto formerly exercised and performed by the Institutions Commissioner.

(Rev. Ord. 1961 c. 20 § 2; CBC 1975 Ord. T12 § 351)

12-8.3 Organization of Department.

The Penal Institutions Commissioner shall be the executive and administrative head of the Department and may organize said Department as he may find necessary for its proper conduct.

(Rev. Ord. 1961 c. 20 § 3; CBC 1975 Ord. T12 § 352)

Cross Reference: Ord. ss 5-5.33.

12-8.4 Annual Report.

The Commissioner shall, in his annual report, include a statement of the expenditures and receipts of each institution for the preceding financial year, giving the condition of each, with the number of inmates admitted thereto and discharged therefrom, the births and deaths therein, and the number of persons remaining in the same.

(Rev. Ord. 1961 c. 20 § 4; CBC 1975 Ord. T12 § 353)

12-9 HUMAN RIGHTS.

12-9.1 Policy.

It is the policy of the City of Boston to assure that every resident shall have equal access to and benefit from all public services, to protect every resident in the enjoyment and exercise of civil rights and to encourage and bring about mutual understanding and respect among all residents of the City. It is clear that behavior which denies equal treatment to any of our citizens as a result of their religious creed, race, color, sex, age, disability, national origin, ex-offender status, prior psychiatric treatment, sexual orientation, military status, marital status or parental status, or which is sexually or racially harassing undermines civil order and deprives persons of the benefits of a free and open society. Nothing in this ordinance shall be construed as supporting or advocating any particular religious view or lifestyle. To the contrary, it is the intention of this ordinance that all persons be treated fairly and equally and it is the expressed intent of this ordinance to guarantee to all of our citizens fair and equal treatment under law.

(Ord. 1984 c. 16, c. 17, c. 40)

12-9.2 Definitions.

As used in this section the following terms shall have the meanings as indicated unless a different meaning clearly appears from the context:

Age shall mean any persons between the ages of forty (40) and sixty-five (65).

Bona fide occupational qualification shall mean a valid consideration of race, color, sex, age, religious creed, disability, national origin, ancestry, sexual orientation, marital status, parental status, ex-offender status, prior psychiatric treatment, military status, or source of income which is a requirement for employment and has been certified as such by the Commission or by the Massachusetts Commission Against Discrimination under Chapter 151B of the Massachusetts General Law.

Bonding transaction shall mean the furnishing of a performance, fiduciary or other form of bond to any person.

Commission shall mean the Human Rights Commission.

Credit transaction shall mean the open or closed end grant, extension, denial or termination of credit to any individual.

Disability shall mean a condition which causes a physical or mental impairment which limits, or is regarded as limiting one or more major life activity.

Educational facility shall mean any person, whether organized for profit or not-for-profit, that holds itself out to the public as providing instruction or training in the arts, sciences, trade or any other area of learning.

Employee shall mean any individual who is engaged to work for or under the direction or control of another for monetary or other valuable consideration, but shall not include any individual employed by her or his parents, spouse or children.

Employer shall mean any individual, partnership, association, corporation, trustees, public charity, foundation, political subdivision, board, department, commission, agency or any other person which engages and controls the services of an individual in the City of Boston in exchange for monetary or other valuable consideration, except that it shall not include any employer with six (6) or less persons in its employ, exclusive of parents, spouse or children, nor does it include a club exclusively social, or a fraternal association or religious organization, incorporated or unincorporated, if such fraternal association or religious organization is not incorporated for profit and if the primary function thereof is religious or fraternal.

Employment agency shall mean and include any person undertaking to procure employees or opportunities to work for potential employees.

Ex-offender status shall mean (i) the condition of having been arrested, detained, or accused of any violation of law which no conviction resulted, or (ii) a final conviction for any of the following misdemeanors: drunkenness, simple assault, speeding, minor traffic violations, affray, or disturbing the peace, or (iii) any conviction of a misdemeanor where the date of such conviction or completion of any period of incarceration resulting therefrom, which ever date is later, occurred five (5) or more years prior to the date of the exercise of any right or privilege under this Chapter, unless such person has been convicted of any offense within five (5) years immediately preceding the exercise of any right or privilege under this Chapter.

Executive Director shall mean the Executive Director of the Boston Human Rights Commission as established by this Chapter.

Insurance transactions shall mean the sale, grant or other provision of insurance to any person.

Labor organization shall mean any organization which exists and is constituted for the purpose, in whole or part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection in connection with employment.

Marital status shall mean the actual condition of being or having been married, separated or divorced or the condition of being single.

Military status shall mean the condition of being, or having been in the services of the military.

Parental status shall mean the condition of having minor or disabled children.

Person shall mean and include one or more individuals, partnerships, associations, corporations, agencies, legal representatives, trustees, trustees in bankruptcy and receivers, the City and all political subdivisions, boards and commissions provided, however, "person" shall not be applied to an individual acting in a purely private transaction.

Prior psychiatric treatment shall mean an actual or supposed mental impairment of a person caused by illness, injury, birth, professional treatment or hospitalization.

Public accommodation and service shall mean any place, business, facility or other establishment of whatever kind, or agency, whether owned privately or by a public agency which caters or offers services, facilities or goods to or is intended for the use or convenience of the general public whether for a charge or fee or not. Nothing contained herein shall be construed to include or apply to any place, business, facility or other establishment which is by its nature distinctly private, except that when such establishment caters or offers services to the general public, it shall be deemed a public accommodation during such period.

Respondent shall mean a person against whom a complaint has been filed pursuant to this Chapter.

Sexual orientation shall mean actual or supposed homosexuality, heterosexuality, or bisexuality by orientation or practice, including but not limited to an orientation or practice, including but not limited to an orientation that may be presumed on the basis of mannerisms, physical characteristics, manner of dress or deportment.

Source of income shall mean the manner or means by which an individual supports herself or himself, and his or her dependents, except that in this Chapter it shall not include any criminal activity from which a source of income is derived.
(Ord. 1984 c. 16, c. 17, c. 40)

12-9.3 Discriminatory Practices Regarding Employment.

It shall be an unlawful practice and thereby deemed a violation of this Chapter for a person directly or indirectly to refuse to hire, employ, classify or upgrade, to bar or to discharge from employment, or otherwise discriminate against any person in the terms, conditions, or privileges of employment, including compensation, because of the race, color, sex, age, religious creed, disability, national origin, ancestry, sexual orientation, marital status, parental status, ex-offender status, prior psychiatric treatment, military status or source of income of such individual, unless based upon a *bona fide* occupational qualification. A person who asserts that a discriminatory employment practice is justified because of a *bona fide* occupational qualification which has not been certified as such by the Commission or by the Massachusetts Commission Against Discrimination under

Chapter 151B of the Massachusetts General Laws shall have the burden of showing that the discrimination is in fact a necessary result of a *bona fide* occupational qualification and that there exists no less discriminatory means of satisfying the occupational qualification.

It shall further be an unlawful practice and thereby deemed a violation of this Chapter for any employment agency, directly or indirectly, to fail or refuse to classify properly or refer for employment or otherwise discriminate against any person because of the race, color, sex, age, religious creed, disability, national origin, ancestry, sexual orientation, marital status, parental status, ex-offender status, prior psychiatric treatment, military status or source of income of such person. An employment agency that specializes in the recruitment and placement of elderly or disabled employees shall be exempt from the operation of this section with respect to such specialized services for the elderly or disabled, provided that such specialized services not discriminate among the elderly or disabled on the basis of other discriminatory criteria.

Nothing herein shall be construed to bar any religious or denominational institution or organization, or any organization operated for charitable or educational purposes, which is operated, supervised or controlled by or in connection with a religious organization, and which limits membership, enrollment, admission, or participation to members of that religion, from giving preference in hiring or employment to members of the same religion, or employment limited to the elderly or disabled, provided that such employment shall not discriminate among the elderly or disabled on the basis of other discriminatory criteria.
(Ord. 1984 c. 16)

12-9.4 Discriminatory Practices Regarding Labor Organizations.

It shall be an unlawful practice and thereby deemed a violation of this Chapter for a labor organization directly or indirectly to refuse to admit to membership, apprenticeship, training or classification or to discriminate otherwise against any individual, absent a bona fide occupational reason or other reasonable cause, because of the race, color, sex, age, religious creed, disability, national origin, sexual orientation, marital status, parental status, ex-offender status, prior psychiatric treatment, military status or source of income of such individuals.
(Ord. 1984 c. 16)

12-9.5 Discriminatory Practices Regarding Credit Transactions, Bonding and Insurance.

It shall be an unlawful practice and thereby deemed a violation of this Chapter for any bank, financial institution, or other credit granting or approving institution or person, including any retail store that sells goods or services on credit, directly or indirectly to discriminate in the granting, reporting, approval or extension of any form of loan or credit to any person because of the race, color, sex, age,

religious creed, disability, national origin, ancestry, sexual orientation, marital status, parental status, ex-offender status, prior psychiatric treatment, military status or source of income of such person. It shall not be an unlawful discriminatory practice under this subsection to establish or review the creditworthiness of any person by seeking information relevant to such creditworthiness such as amount and source of income, age, employment history, credit references, and the number and age of dependents.

Further it shall be an unlawful practice and thereby deemed a violation of this ordinance for any bonding institution or person engaged in the service of providing financial and performance bonds to refuse to bond any person or discriminate in the terms of bonding any persons because of the race, color, sex, age, religious creed, disability, national origin, ancestry, sexual orientation, marital status, parental status, prior psychiatric treatment, military status or source of income of such individual.

Further it shall be an unlawful practice and thereby deemed a violation of this ordinance for any insurance company to refuse to insure any person or discriminate in the terms of insuring any individual because of the race, color, sex, age, religious creed, disability, national origin, ancestry, sexual orientation, marital status, parental status, prior psychiatric treatment, military status, ex-offender status or source of income of such person, unless based on a *bona fide* actuarially determined insurance factor relative to the age or health of the person which affects the risk for which such insurance is being sought.

(Ord. 1984 c. 16)

12-9.6 Discriminatory Practices Regarding Education.

It shall be unlawful practice and thereby deemed a violation of this Chapter for any educational facility directly or indirectly to fail or refuse to admit, or to curtail or terminate admission to, or to discriminate in the terms or conditions of educational services, opportunities, and curriculum offered to any person, absent a showing of reasonable cause as to why such discrimination may be warranted because of the race, color, sex, age, religious creed, disability, national origin, ancestry, sexual orientation, marital status, prior psychiatric treatment, military status, parental status, ex-offender status or source of income of such person.

The following practices shall be exempt from the operation of this section: the selection of students by a religious educational facility that is limited exclusively or gives preference to members of such religion; the establishment or maintenance by an educational facility of a school or program limited to the members of only one sex or otherwise segregated by sex, consistent however, with Federal and State statutes, the establishment by an education facility of minimum or maximum age requirements for any educational program; and the establishment by an educational facility of special programs designed to assist or provide special

training for the disabled, the elderly, individuals who do not speak English, or the economically impoverished.

(Ord. 1984 c. 16)

12-9.7 Discriminatory Practices Regarding Public Accommodations and Services.

It shall be an unlawful practice and thereby deemed a violation of this Chapter for any person that owns, leases, rents, operates, manages, or in any manner controls a public accommodation directly or indirectly, or who provides a public service, to withhold, deny, curtail or in any manner limit or discriminate with respect to the full use of such public accommodation or service because of the race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, marital status, parental status, prior psychiatric treatment, military status, ex-offender status or source of income of such individual, unless such public accommodation or service specifically designated for the exclusive use of the elderly or disabled, provided, however, nothing contained herein shall permit the use of restrooms, baths, showers, dressing rooms, or other private accommodations which are separated by sex to be used to by the opposite sex.

(Ord. 1984 C 16, c.30)

12-9.8 Other Unlawful Practices.

It shall be an unlawful practice and thereby deemed a violation of this Chapter for any person to discriminate against any individual because he or she opposed any practice made unlawful by this Chapter, or testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this Chapter.

It shall be an unlawful practice and thereby deemed a violation of this Chapter for any person to aid or abet another in the violation of any provision of this Chapter.

It shall be an unlawful practice and thereby deemed a violation of this chapter to cause or attempt to cause any person to discriminate against an individual in violation of this Chapter.

(Ord. 1984 c. 16)

12-9.9 Establishment of the Boston Human Rights Commission, Executive Director, Staff.

There shall be in the City a Commission known as the Boston Human Rights Commission, hereinafter referred to as the Commission. The Commission shall be comprised of seven (7) members, to be known as Commissioners, each appointed by the Mayor. The Commissioners shall each serve a term of three (3) years, provided, however, that of the members first appointed to the Commission, three (3) shall be appointed for a term of one year, two (2) shall be appointed for a term

of two (2) years and two (2) shall be appointed for a term of three (3) years. Thereafter the Mayor shall appoint each successor to a term of three (3) years. Any vacancy occurring otherwise than by expiration of term shall be filled by appointment by the Mayor for the unexpired term.

The Mayor shall appoint annually a Commissioner as the Chairperson of the Commission. Four (4) Commissioners shall constitute a quorum for the purposes of conducting the business of the Commission. Four (4) votes shall be required to pass any Commission decision.

The Commissioners shall be subject to the residency and voting requirements appearing in the City of Boston Code, Ord. Subsection 5-5.2, notwithstanding the exception contained therein. The Commissioners shall be classified special municipal employees for the purposes of Chapter 268A of the General Laws. The Commissioners shall serve without compensation, but each Commissioner shall be entitled to his or her reasonable expenses actually and necessarily incurred in the performance of her or his duties as Commissioner. These expenditures shall be paid from the budget of the Commission. The Commission staff shall consist of an Executive Director, and such personnel as the Commission, upon recommendation of the Executive Director, may deem expedient subject to appropriation.

The Executive Director shall be appointed by and serve at the pleasure of the Mayor. The Mayor shall determine the rate of compensation for the Executive Director.

(Ord. 1984 c. 16, c. 17)

12-9.10 Powers and Duties of Executive Director.

The Executive Director shall have the powers of a department head except for those powers explicitly conveyed to the Commission by this Chapter and shall be responsible for carrying out the policies and decisions of the Commission.

The Executive Director shall have the power and duty to make investigations of discriminatory practices which appear to be in violation of this Chapter and to file complaints with the Commission based upon findings of fact, and conclusions of law only, where there is a probable cause that a violation of this Chapter has occurred. The Executive Director shall be required to appear quarterly before the City Council to give a report of the Commission's activities and to answer questions of the Council. The Executive Director shall have the power to attempt to mediate or conciliate any complaint of alleged discrimination under this ordinance where there is probable cause for such complaint. The Executive Director shall further file, on conforming forms, all complaints with the Massachusetts Commission Against Discrimination and the Equal Employment Opportunity Commission where such complaints relate to discrimination under the jurisdiction of the MCAD and/or the EEOC. The Executive Director shall fix the compensation of the

Commission staff within the budgetary limits of the Commission after appropriation by the City Council.

(Ord. 1984 c. 16)

12-9.11 Powers and Duties of the Commission.

The Commission shall study the problems of discrimination in the City and shall make such recommendations to the Mayor and the City Council, as in its judgment will effectuate the policy of this Chapter.

The Commission may, on its own behalf, issue a complaint, upon a reasonable belief that a person has engaged in an unlawful discriminatory practice.

The Commission shall have the power to conduct hearings, subpoena witnesses, compel their attendance, including but not limited to filing contempt proceedings with Superior Court, administer oaths, take the testimony of any person under oath and in connection therewith to require the production for examination of any documents, books, papers, or evidence relating to any matter in question or under investigation by the Commission. The Commission may delegate any of its hearing powers to individual Commissioners or members of the Commission staff. Subpoena power shall be exercised by the Chairperson of the Commission, or his or her designee, upon majority vote of the Commission. At any hearing before the Commission, or any committee thereof, a witness shall have the right to be represented by counsel.

The Commission shall have the power to issue publications, results of investigations and research as, in its judgment, will promote good will and minimize or eliminate prejudice, intolerance, bigotry or discrimination and disorder occasioned thereby.

The Commission shall, upon the Executive Director's failure to conciliate a complaint, submit a written report of its findings and recommendations to the Mayor with copies of this report filed with the City Council, the Corporation Counsel, the Massachusetts Commission Against Discrimination (on matters within its jurisdiction), and to any other governmental agency or court having jurisdiction.

Further, the Commission has the power to adopt rules and regulations which it deems necessary to the function of the Commission, provided, however, that all such rules and regulations shall, for a thirty (30) day period following their adoption by the Commission, be held for review and comment by the City Council in an open public hearing, and may be referred to the Corporation Counsel by a vote of a majority of members of the City Council for a ruling on the appropriateness of such rules or regulations. The Commission may recommend to the Mayor and or the City Council additional legislation to aid in the carrying out of the purposes of this Chapter.

(Ord. 1984 c. 16, c. 17, c. 18)

12-9.12 Procedures.

Any person claiming to be aggrieved by an alleged discriminatory practice under this ordinance or claiming to represent an aggrieved person, may, by her or himself or her or his attorney, file with the Commission a verified written complaint. The Complaint shall state the name and address of the person alleged to have committed the discriminatory practice and shall set forth in detail the particular circumstances. The complaint shall be amended to include additional information as required by the Commission. No complaint shall be considered unless it is filed with the Commission within one hundred eighty (180) days after the occurrence of the alleged discriminatory practice, or unless it has been referred to the Commission by the Massachusetts Commission Against Discrimination or the Equal Employment Opportunity Commission after having been timely filed with either and or both agencies.

The Executive Director shall forthwith transmit a copy of the complaint to the respondent by hand or by certified mail return receipt requested.

The Commission shall not accept a complaint from any person who has filed a complaint with the Massachusetts Commission Against Discrimination with respect to the same grievance unless requested by the Massachusetts Commission Against Discrimination to do so.

Upon receipt of a duly filed complaint, the Executive Director shall cause a prompt investigation to be made in connection therewith. After completing the investigation, the Executive Director shall file a written report containing a recommendation concerning the disposition of the matter with the Commission.

Under no circumstances may a report reflect bias where a respondent has exercised his or her constitutional rights relative to providing testimony which may tend to incriminate one's self. Neither may the Commission proceed with a complaint unless there is sufficient probable cause that a violation exists, such probable cause being based on evidence which will stand the test of court scrutiny as to its merit and substance. If after a review of a complaint the Commission finds that no probable cause exists for crediting the allegations of the complaint, the Commission shall order the Executive Director to issue and transmit to complainant and the respondent, by hand or certified mail, return receipt requested, an order dismissing the allegations. The Executive Director on behalf of the Commission shall also issue a notice to both complainant and respondent a copy of federal and state laws governing legal actions one may pursue relative to frivolous actions. If the Commission shall determine after such investigation or review that probable cause exists for crediting the allegations of the complaint, the Commission shall order the Executive Director to immediately endeavor to eliminate the discriminatory practice complained of through persuasion, conciliation and negotiation. Nothing said or done during and as part of such conciliation efforts shall be made public or used as evidence in subsequent proceedings unless

each of the interested parties agree thereto in writing. If conciliation succeeds, the terms of the conciliation agreement shall be reduced to writing and signed by or on behalf of the parties and the Commission. Conciliation agreements may be made public, but such public disclosure shall not reveal the identities of the parties involved, except with the agreement of all respondents.

In case of failure to reach a conciliation agreement to eliminate a discriminatory practice within thirty (30) days after a determination of probable cause, or in advance thereof if the Commission believes the circumstances so warrant, or if probable cause exists that a conciliation agreement has been violated, the Executive Director shall cause to be issued and served in the name of the Commission, a written notice together with a copy of such complaint, as the same may have been amended, requiring the respondent to answer the charges of such complaint at a hearing before the Commission, at a time and place to be specified in such notice. The respondent may file in person or otherwise a verified written answer to the complaint and appear at such a hearing in person, with or without counsel.

The Executive Director or his or her designee shall present evidence at the hearing. The Commission shall not be bound by the strict rules of evidence prevailing in courts of law. The testimony, however, shall be under oath and shall be recorded upon the request of either party. Each party respondent may appear at such hearing in person or by a duly authorized representative. Each party may present testimony and evidence.

Each party shall have the right to cross-examine adverse witnesses.

If upon all the evidence, the Commission finds that a respondent has not engaged in any such discriminatory practice or violation of a conciliation agreement, the Commission shall issue and transmit to the complainant and the respondent, by hand or by certified mail return receipt requested, an order dismissing that complaint as to such respondent.

If, upon all the evidence presented at the hearing, the Commission determines that a respondent has engaged in any discriminatory practice as defined in this ordinance or has violated a conciliation agreement, the Commission shall issue an order stating its findings of fact and order for resolving the complaint.

The Commission shall establish rules of practice to govern, expedite and effectuate the foregoing procedure and its own actions thereunder.

If a finding is made that a respondent has engaged in a discriminatory practice or violated a conciliation agreement, the Commission shall make a written report of its findings and recommendations to the Mayor and the City Council, with a copy to the Corporation Counsel, on any matter within his or her jurisdiction for review and implementation or to the Massachusetts Commission Against Discrimination on any matter in question, and in all cases, urging and using its

best efforts to bring about compliance with the Commission's order. In the conduct of any mediation, investigation, hearing, or representation of any conciliation, complaint, the Commission may call upon not only the members and staff of the Commission, but to the extent practicable, any City department or agency.

If a finding is made that a respondent, who has engaged in a discriminatory practice or violation of a conciliation agreement, is a City contractor or subcontractor performing under municipally funded or assisted contracts, the Mayor shall cause said contracts or subcontracts to be immediately reviewed, and may suspend or revoke said contracts or subcontracts, or otherwise employ all available means to bring the contractor or subcontractor into immediate compliance.

If a finding is made that a respondent, who has engaged in a discriminatory practice or violation of a conciliation agreement, is a licensee, who has obtained a license to operate from the City of Boston or agency thereof, the Mayor shall cause said license to be immediately reviewed, and may suspend or revoke said license, or otherwise employ all available means to bring the licensee into immediate compliance.

Any person aggrieved by a finding of the Commission is entitled to reconsideration upon written summary and transcripts by the full Commission. Written request for such rehearing must be filed with the Commission within seven (7) days of receipt of the Commission's written report. Upon receipt of a request for reconsideration the Commission shall notify all interested parties who shall have seven (7) days to submit any documents, reports or summaries to the Commission. The full Commission shall meet in executive session to review the complaint, summaries, written reports, transcripts, documents or other material, within sixty (60) days of the receipt of the request for reconsideration.

A certified copy of any report, finding or order of the Commission may be admitted as evidence in any court of competent jurisdiction.

Nothing herein shall in any way violate open hearing laws of the Commonwealth of Massachusetts or the Federal Freedom of Information Act.

(Ord. 1984 c. 16, c. 17)

12-9.13 Construction of Ordinance.

The provisions of this ordinance shall be construed for the accomplishment of the purposes hereof. Nothing herein shall be construed to limit civil rights granted or hereinafter afforded by the laws of the United States Government or of the Commonwealth.

(Ord. 1984 c. 16)

12-9.14 Effect of State and Federal Laws.

Nothing in this ordinance shall be deemed to exempt or relieve any person from any liability, duty, penalty, or punishment provided by any present or future law of the Commonwealth of Massachusetts or the United States, other than any such law which purports to require or permit the doing of any act which would be unlawful under this ordinance.

Any remedies provided by this ordinance shall be cumulative with any other remedies provided by State or Federal law.

(Ord. 1984 c. 16)

12-9.15 Severability.

If any provision or section of this Chapter shall be held to be invalid by a court of competent jurisdiction, then such provision or section shall be considered separately and apart from the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

(Ord. 1984 c. 16)

CHAPTER XIII
HOUSING COURT

13-1 ESTABLISHED.

13-1.1 Salary of Judge.

Pursuant to the terms of Section 8 of Chapter 185 A of the General Laws and Section 5 of Chapter 856 of the Acts of 1973, the judge of the Housing Court of the City of Boston shall receive a salary of thirty-four thousand eighty-nine (\$34,089.00) dollars a year.

(Ord. 1974 c. 7; CBC 1975 Ord. T13 § 1)

CHAPTER XIV

LICENSING AND CONSUMER BOARDS, COMMITTEES AND OFFICERS

14-1 LICENSING BOARD.

No Ordinances Apply. See Special Statutes.
(CBC 1975 T14 c. 1)

14-2 COMMITTEE ON LICENSES.

14-2.1 Powers and Duties of Commissioner.

There shall be in the Building Department a Committee of the Public Safety Commission, known as the Committee on Licenses, consisting of the Building Commissioner, the Fire Commissioner and the Commissioner of Traffic and Parking, ex officiis. Said Committee shall have the powers and perform the duties conferred or imposed on the Board of Street Commissioners by Chapter 148 of the General Laws, by Chapter 577 of the Acts of 1913 and by Chapter 349 of the Acts of 1953, and all acts in amendment thereof.

The Committee on Licenses shall not be subject to the supervision or control of the Building Commissioner except as he acts as a member thereof; but unless otherwise ordered by the Mayor, the Committee on Licenses shall not communicate with the Mayor, or make any annual or other report, except through the Building Commissioner.

(St. 1959 c. 203; Ord. 1962 c. 9 § 2; Ord. 1970 c. 5 § 2; Rev. Ord. 1961 (Sup. 1971) c. 9 § 11; CBC 1975 Ord. T14 § 50)

Cross References: G.L. c. 148; St. 1913 c. 577; St. 1953 c. 349; St. T. 8 c. 8.

14-3 DIRECTOR OF MARKETS.

No Ordinances Apply. See Special Statutes.
(CBC 1975 Ord. T14 c. 5)

14-4 REGULATION UNDER POLICE POWERS.

No Ordinances Apply. See Special Statutes.
(CBC 1975 Ord. T14 c. 7)

14-5 DOG OFFICER.**14-5.1 Duties of Dog Officer.**

The Dog Officer appointed under Section 151 of Chapter 140 of the General Laws, or the domestic charitable corporation from time to time performing by contract the duties of Dog Officer in accordance with said section, shall apprehend and impound any dog found running at large in any street or public place within the City in violation of Subsection 16-1.9 of these ordinances. Upon apprehending or receiving any such dog the Dog Officer or domestic charitable corporation performing duties as aforesaid shall make a complete registry, entering the breed, color, and sex of such dog, whether or not such dog is licensed, and, if such dog is licensed, the name and address of the owner and the number of the license tag. The Dog Officer or domestic charitable corporation performing duties as aforesaid shall as soon as possible notify the owner of any such dog, if known, that the dog has been impounded, and shall return any dog so impounded to the owner thereof upon payment of all costs and charges incurred by the Dog Officer or by such domestic charitable corporation in connection with the apprehension and detention of such dog and, if such dog is unlicensed when apprehended, upon presentation of a license for such dog secured from the Police Commissioner by the owner thereof.

The Listing Board or its agents shall give to each owner or harbinger of an unlicensed dog the form of application for a dog license that may from time to time be prescribed by the Police Commissioner, with as many duplicate copies of the same as may be required by the Police Commissioner, and shall inform each such owner or harbinger of the procedure, if any, that may be from time to time established by the Police Commissioner for submitting such application and securing such license by mail.

(Ord. 1972 c. 15 § 1; CBC 1975 Ord. T14 § 500)

Cross References: G.L. c. 140 § 151; Ord. ss 2-4.1; Ord. ss 16-1.9.

14-6 CONSUMERS' COUNCIL.**14-6.1 Composition of Board.**

There shall be in the City a Board, known as the Boston Consumer's Council, consisting of the Corporation Counsel or his designee, the Sealer of Weights and Measures or his designee, the Commissioner of Health and Hospitals or his designee, a person appointed by the Mayor after consultation with the Consumers' Council of the Commonwealth, and three (3) other persons appointed by the Mayor, at least two (2) of whom shall be persons of low income. Each of the persons appointed by the Mayor shall serve for a term expiring on the first Monday of the January following the next biennial municipal election at which a Mayor is

elected. The Mayor shall from time to time designate one of the members of the Council as Chairman and another as Vice-Chairman. All members of the Council shall serve without compensation, but shall be reimbursed for expenses necessarily incurred in the performance of their duties. The Council shall meet every other month, and at other times at the call of the Chairman.

The Mayor shall designate an employee of his office to serve as Executive Secretary of the Council; and the Council may appoint a clerical assistant.

(Ord. 1968 c. 15; Rev. Ord. 1961 (Sup. 1971) c. 10A § 1; CBC 1975 Ord. T14 § 200)

Cross References: Ord. ss 2-7.1; Ord. ss 5-5.1; Statutes, Title 9 § 10; Ord. ss 12-1.1.

14-6.2 Duties.

The Boston Consumers' Council shall conduct studies, investigations and research in matters affecting consumer interests; shall keep consumers in the City informed on matters affecting their interests, using for that purpose such media of communication as the Council shall from time to time adjudge appropriate; and shall pursue a course of action to insure to the fullest possible extent that all laws enacted for the benefit of consumers are duly enforced.

(Rev. Ord. 1961 (Sup. 1971) c. 10A § 2; CBC 1975 Ord. T14 § 201)

CHAPTER XV¹

DIVISIONS OF THE MAYOR'S OFFICE

15-1 COMMISSION ON WOMEN.*

15-2 HOME WEATHERIZATION PROGRAM.

15-2.1 Program Established; Purpose and Duties.

There shall be, within the Mayor's Office, a program to be known as the Home Weatherization Program. The Home Weatherization Program shall conduct public seminars on home weatherization in each district of the City of Boston; shall coordinate with private, nonprofit agencies the conduct of home energy audits for Boston grants, low interest loans and market rate-loans to be administered by local lending institutions and public utilities for residents of the City of Boston. The Home Weatherization Program shall, on May 1 of each year, submit a report on the program's activities covering the twelve (12) month period ending the previous March 31, to the Mayor and the City Council.

(Ord. 1984 c. 25 § 1)

15-2.2 Administration by Neighborhood Development and Employment Agency.

The program described herein shall be administered totally by the Neighborhood Development and Employment Agency (NDEA) of the City of Boston.

(Ord. 1984 c. 25 § 2)

15-3 OFFICE OF BUSINESS AND CULTURAL DEVELOPMENT.

15-3.1 Office Established; Appointment of Director.

There shall be within the Mayor's Office a Division to be known as the Office of Business and Cultural Development which shall be under the charge of an officer, known as the Director, appointed by the Mayor and who shall serve at the pleasure

¹**Cross Reference:** See Section 2-7.1, Appointments by the Mayor.

***Editor's Note:** Ch. 35 of the Ordinance of 1984 established within the Mayor's Office a Division to be known as the Commission on Women. A decision of the Mass. Appeals Court 24 Mass. App. Ct. 633, presently under appeal, however held said ordinance invalid.

of the Mayor and who shall have the powers of a department head with respect to execution of contracts and matters of personnel management within said office.
(Ord. 1984 c. 15 § 1)

15-3.2 Powers and Duties.

The Office of Business and Cultural Development shall be responsible:

- a. To develop opportunities for new business for Boston's neighborhood's and its downtown area;
- b. To retain business and job opportunities;
- c. To promote trade, tourism and convention opportunities;
- d. To enhance the cultural aspects of life, particularly in Boston's neighborhoods;
- e. To conduct annual and special celebrations in such a way that the concerns are met as well as attracting business and cultural quality and revenue to the neighborhoods and the downtown area;
- f. To establish, promote, and support (with technical assistance) advisory groups to neighborhood, minority, women's and other business and cultural groups.

(Ord. 1984 c. 15 § 2)

15-4 OFFICE OF CONSTITUENT SERVICES.

15-4.1 Office Established; Appointment of Director.

There shall be within the Mayor's office a Division to be known as the Office of Constituent Services which shall be under the charge of an officer, known as the Director, appointed by the Mayor and who shall serve at the pleasure of the Mayor and who shall have the powers of a department head with respect to execution of contracts and matters of personnel management within said office.

(Ord. 1984 c. 14 § 1)

15-4.2 Powers and Duties.

The Office of Constituent Services will receive and respond to problems and requests for service by individuals and community groups. It will make referrals to City departments, where appropriate, for such services, or provide advice in regard to other levels of government or private sector agencies, if City services are not involved.

This office will coordinate the twenty-four (24) hour service emergency center.

It will make policy recommendations to the Mayor based on complaint information received from citizens.

(Ord. 1984 c. 14 § 2)

15-5 OFFICE OF CONSUMER AFFAIRS AND LICENSING.

15-5.1 Office Established; Appointment of Director.

There shall be within the Mayor's Office a Division to be known as the Office of Consumer Affairs and Licensing which shall be under the charge of an officer, known as the Director, appointed by the Mayor and who shall serve at the pleasure of the Mayor and who shall have the powers of a department head with respect to execution of contracts and matters of personnel management within said office.

(Ord. 1984 c. 12 § 1)

15-5.2 Divisions Established; Duties.

The Office of Consumer Affairs and Licensing shall contain two (2) divisions as follows:

a. The Licensing Division which at the direction of the Mayor shall be responsible for the regulation of Boston's entertainment industry as set forth by applicable law;

b. The Consumer Affairs Division which shall mediate, educate and advocate on behalf of the City's consumers.

(Ord. 1984 c. 12 § 2)

15-6 OFFICE OF INFORMATIONAL SERVICES.

15-6.1 Office Established; Appointment of Director.

There shall be within the Mayor's Office a Division to be known as the Office of Informational Services which shall be under the charge of an officer, known as the Director, appointed by the Mayor and who shall serve at the pleasure of the Mayor and who shall have the powers of a department head with respect to execution of contracts and matters of personnel management within said office.

(Ord. 1984 c. 13 § 1)

15-6.2 Powers and Duties.

The Office of Informational Services will initiate programs which improve public understanding of City government. Its programs shall be designed to enable citizens to take full advantage of the resources of municipal government at their

disposal. It will also respond to requests for information about operations of City government coming from the public.

(Ord. 1984 c. 13 § 2)

15-7 OFFICE OF POLICY MANAGEMENT.

15-7.1 Office Established; Appointment of Director.

There shall be within the Mayor's Office a Division to be known as the Office of Policy Management, which shall be under the charge of an officer to be known as the Director of the Office of Policy Management, who shall be appointed by the Mayor, and who shall serve at the pleasure of the Mayor. The Director shall have the powers of a department head with respect to execution of contracts and matters of personnel management within the office.

(Ord. 1982 c. 30 § 1)

15-7.2 Duties.

The Office of Policy Management shall develop methods of implementing and of testing the efficiency and effectiveness of policies and programs of the Mayor and several City departments subject to the Mayor's supervision and control.

(Ord. 1982 c. 30 § 1)

15-8 OFFICE OF PUBLIC INFORMATION.

15-8.1 Office Established; Appointment of Director.

There shall be within the Mayor's Office a Division to be known as the Office of Public Information, which shall be under the charge of an officer to be known as the Director of the Office of Public Information, who shall be appointed by the Mayor, and who shall serve at the pleasure of the Mayor. The Director shall have the powers of a department head with respect to execution of contracts and matters of personnel management within the office.

(Ord. 1982 c. 29 § 1)

15-8.2 Duties.

The Office of Public Information shall coordinate and manage the collection of dissemination of information to the public for the several departments subject to the supervision and control of the Mayor.

(Ord. 1982 c. 29 § 1)

CHAPTER XVI

PROHIBITIONS, PENALTIES AND PERMITS¹

16-1 HEALTH.

16-1.1 Fish.

a. *Throwing Entrails into Harbor Prohibited.* No person shall throw into the harbor or any of the waters surrounding the City within a line drawn from Point Allerton to Nahant, any entrails or refuse parts of fish, or any decayed fish.

b. *Fish for Sale; Requirements.* No person shall have in his possession with intent to sell, fish of any kind, except flounders, smelts, and other small fish, salmon and shad, until the same have been cleansed of their entrails and other refuse parts, or fish of any kind unless they are kept in covered stalls or fish-boxes or covered carts, which shall be clean and in good order and well secured from the rays of the sun.

(CBC 1975 Ord. T14 § 250)

16-1.2 Vegetables.

No person shall bring into the City or have in his possession with intent to sell, or sell, any vegetables, excepting green peas and beans in the pods and green corn in the inner husks, which have not previously been divested of all parts not commonly used for food; and no person shall have such parts in his possession in any market place, or in a cart or vehicle used for the sale of vegetables or other articles of food.

(CBC 1975 Ord. T14 § 251)

16-1.3 Decayed Food.

No person shall bring into the City, or have in his possession with intent to sell, any decayed or damaged fruit, vegetable or animal substance, except in accordance with a permit from the Board of Health and Hospitals.

(CBC 1975 Ord. T14 § 252)

¹Sources: (For a history of many of the sections in this Chapter, see Rev. Ord. 1961 and 1971 Supplement. See also Ord. 1972 c. 1, c. 10, c. 15; Ord. 1973 c. 4; Ord. 1975 c. 2)

16-1.4 Bakery.

No person shall carry on the business of a bakery without a permit issued by the Board of Health and Hospitals.

(Ord. 1976 c. 11 § 2)

16-1.5 Food Products, Retail Sale Of.

No person shall carry on the business of selling at retail: meat, produce, dry groceries, dairy products, frozen foods, or any other food products, without a permit issued by the Board of Health and Hospitals.

(Ord. 1976 c. 11 § 2)

16-1.6 Food Permits; Single Permit to Be Issued.

In the case of food service permits, retail food permits, and bakery permits issued by the Board of Health and Hospitals under the authority of these ordinances and the State Sanitary Code, an establishment will be issued only one of these three (3) permits as determined by the principal business of that establishment. The single permit issued shall be deemed to fulfill the requirements of these ordinances in regard to the other two (2) types of business activity.

(Ord. 1977 c. 9)

16-1.7 Permit for Catered Functions.

Caterers who provide catering services to functions within the City and whose establishments are not licensed by the Board of Health and Hospitals but who are required to register with the Board of Health and Hospitals pursuant to the State Sanitary Code, must have a permit from the Board of Health and Hospitals for each function for which a registration is so required by said Code.

(Ord. 1981 c. 34)

16-1.8 Live Fowl, Etc.

No person shall keep any live fowl, swine, or goats, except in accordance with a permit from the Board of Health and Hospitals.

(CBC 1975 Ord. T14 § 253)

16-1.9 Restraining Dogs.

No person owning or harboring a dog shall suffer or allow it to worry, wound, or attack any person, nor to be so unreasonably noisy as to disturb the peace, nor shall such person suffer or allow it to go upon the premises of another without the permission of the owner or occupant of such premises. No person owning or harboring a dog shall suffer or allow it to run at large in any street or public place

in the City, nor permit it to go upon any street or public place unless it is effectively restrained by a chain or leash not exceeding ten (10') feet in length. For the purposes of Section 173A of Chapter 140 of the General Laws this section shall be deemed an ordinance made under the provisions of Section 173 of said Chapter 140.

(CBC 1975 Ord. T14 § 254; Ord. 1976 c. 7 § 1)

16-1.10 Keeping of Animals.

No person shall keep any animal upon any estate within the City, except in a place that is properly fitted out for the healthful and sanitary maintenance of that animal, nor shall any person keeping an animal allow any odor from such animal to escape the premises so as to disturb the peaceful enjoyment of the property of another.

(CBC 1975 Ord. T14 § 254A; Ord. 1976 c. 7, s 2)

16-1.11 Manure.

No owner or occupant of a building shall permit any manure to be therein, unless such building is used as a stable, or in that case permit more than two (2) cords of manure to accumulate or remain therein; nor shall any person permit any manure to remain uncovered on his grounds outside of his building, or permit his building or any grounds connected therewith to be foul or unclean.

(CBC 1975 Ord. T14 § 255)

16-1.12 Removal of Manure.

No person shall remove manure, or cause or suffer the same to be removed except in accordance with a permit from the Board of Health and Hospitals, and except in a tight vehicle with a canvas cover so secured to the sides and ends as to prevent the manure from dropping while being removed.

(CBC 1975 Ord. T14 § 256)

16-1.13 Keeping of Cows.

No person shall keep or allow to be kept in any building or on any premises of which he may be the owner or occupant, within the building limits of the City, more than one (1) cow for each three thousand (3,000) square feet of land in said building or premises, except in accordance with a permit from the Board of Health and Hospitals; and no person shall keep or allow to be kept in any building or on any premises of which he may be the owner or occupant, any cow, unless such building or premises be kept clean and wholesome.

(CBC 1975 Ord. T14 § 257)

16-1.14 Public Urinals.

No person shall mar, misuse, defile, or deface a public urinal, or attach any hand-bill, advertisement, or drawing thereto.

(CBC 1975 Ord. T14 § 258)

16-1.15 Ringing Bells.

No person shall ring a church bell or other bell when, on account of illness in the neighborhood, such ringing is forbidden by the Board of Health and Hospitals.

(CBC 1975 Ord. T14 § 259)

16-1.16 Decaying Matter.

No person shall place or keep any refuse or noxious or decaying liquid or solid matter, except house-offal, in any building or in any waters or on any land, except in accordance with a permit from the Board of Health and Hospitals.

(CBC 1975 Ord. T14 § 260)

16-1.17 House-Offal.

No person shall keep in his house or on his land, any house-offal, unless same is free from ashes and other refuse matter and so placed in a suitable vessel as to be easily removed.

(CBC 1975 Ord. T14 § 261)

16-1.18 Water-Closets.

No person shall maintain a water-closet, vault, or privy in an unwholesome, unclean, or improper place or condition.

(CBC 1975 Ord. T14 § 262)

16-1.19 Ashes and Cinders.

No person shall place or keep ashes or cinders in or near any building in such a manner as to be liable to cause fire, or mix them with other substances, or place or keep them except in metallic vessels so placed as to be easily removed.

(Ord. 1975 Ord. T14 § 263)

16-1.20 Transportation of Refuse.

No person, other than employees of the City or of a contractor acting for the City while engaged in public work, shall transport or carry refuse in, upon or through any street except in accordance with a permit from the Commissioner of Public Works, who shall forthwith revoke such permit if the permittee transports or carries to any refuse disposal incinerator constructed, maintained and operated by the City any refuse originating outside the City. The word "refuse," as

used in this paragraph, shall be construed to include rubbish, ashes, nonputrescible industrial wastes, and street cleanings, but not garbage, offal or other offensive substances coming within Sections 31A and 31B of Chapter 111 of the General Laws.

No person shall deposit or dump any house-dirt, house-offal, or other refuse matter, except in a place approved by the Board of Health and Hospitals, or place outside of any building or premises for removal any light refuse or rubbish that is likely to be scattered or blown about, unless the same is properly packed, bundled, or otherwise secured.

(CBC 1975 Ord. T14 § 264)

16-1.21 Prohibiting the Operation of Refuse Treatment and Disposal Facilities in the City.

a. No person shall operate, establish, or maintain, nor shall any place within the City of Boston be operated, established, or maintained for a refuse treatment or disposal facility. For purposes of this subsection, the term "refuse treatment and disposal facility" shall include a sanitary landfill, a refuse composting plant, a dumping ground for refuse, or any other works for treatment or disposing of refuse; and "refuse" shall mean all solid or liquid waste materials, including garbage and rubbish, but not including sewage.

b. This subsection shall not apply to any refuse treatment and disposal facility lawfully in existence upon the effective date of this ordinance, nor shall it apply to any refuse transfer station lawfully in existence or undergoing review, in accordance with the provisions of General Laws c. 111, s. 150A should such review result in a site assignment within the term of that section, upon the effective date of this ordinance¹ (subsection), nor shall it apply to any waste to energy recovery facility operated by, or under contract with the City of Boston; provided, however, that this paragraph b. shall not apply to afford an exception in the case of or with respect to any parcel or parcels within said City now, or in the ten (10) years preceding the effective date of this ordinance¹ (subsection), upon which the commercial removal of stone, block, or any mineral, mining, or quarrying activity has been performed.

c. This subsection shall not apply to any onsite energy recovery waste disposal system which serves only the building within which it is located.

d. Every new refuse transfer station shall be in a completely enclosed, covered structure and be located in an area zoned for industrial use.

(Ord. 1976 c. 13 §§ 1, 2; Ord. 1981 c. 4 § 3; Ord. 1983 c. 34 §§ 2, 3, 4)

Cross Reference: Ord. c. XVII, Section 17-11.

¹Editor's Note: The effective date of this subsection is November 3, 1976.

16-1.22 Burials.

No person shall bury, or cause to be buried, a dead body, in a grave less than three (3') feet deep from the surface of the surrounding ground to the top of the coffin; and no person shall, except in accordance with a permit from the Board of Health and Hospitals, either bury, or cause to be buried, a dead body, at any other time than between sunrise and sunset, or open a grave or tomb between the first day of June and the first day of October for a purpose other than that of interring the dead.

(CBC 1975 Ord. T14 § 265)

16-1.23 Cesspools and Privies.

No person shall empty a cesspool, vault, or privy, except in accordance with a permit from the Board of Health and Hospitals.

(CBD 1975 Ord. T14 § 266)

16-1.24 Sewage and Waste Water.

No owner or occupant of a building or of land shall suffer sewage or waste or stagnant water to remain in such building or upon such land. No owner or occupant of land abutting on a private passageway and having the right to use such passageway shall suffer any filth, waste, or stagnant water to remain on that part of the passageway adjoining such land. No person shall discharge any waste water or water from a sink or water-closet, except through a drain into a sewer or cesspool or in accordance with a permit from the Board of Health and Hospitals.

(CBC 1975 Ord. T14 § 267)

16-1.25 Drains.

No person shall suffer any particular drain from any building or land of which he is the owner or occupant to leak or be out of repair; and no person shall, except in accordance with a permit from the Commission of Public Works, enter or attempt to enter a particular drain into a public drain or sewer.

(CBC 1975 Ord. T14 § 268)

16-2 HAWKERS AND PEDDLERS.**16-2.1 Registration.**

No person shall hawk or peddle any fruits or vegetables or any of the articles enumerated in Section 17 of Chapter 101 of the General Laws and acts in amendment thereof or in addition thereto, until he has been assigned a number by the Board of Health and Hospitals, and until he has recorded with said Board his name and residence, and until a recent photograph of said applicant shall be

presented to the Board of Health and Hospitals, to be attached to his license (said photograph to be a passport size, — viz., two (2") inch by two (2") inch) and if he hawks or peddles articles which are sold by weight or measure, a certificate from the Sealer of Weights and Measures that all weights, measures and balances to be used by him have been properly inspected and sealed. The presence of unsealed weights or measures on the team, cart or person of such hawker or peddler shall terminate permission to hawk or peddle under such registration.

No person shall hawk or peddle any fruits or vegetables until he has obtained a license therefor from the Board of Health and Hospitals, unless he is engaged in the pursuit of agriculture or unless such articles are the product of his own labor or of the labor of his family.

The Board of Health and Hospitals is hereby authorized to grant licenses to hawk or peddle fruits and vegetables to persons sixteen (16) years of age or over who have complied with the foregoing requirements, such licenses to be for the term of one year from the date of issue.

The foregoing provisions shall not apply to minors licensed by the Mayor and City Council.

(CBC 1975 Ord. T14 § 269)

16-2.2 Crying of Wares.

No person hawking, peddling, selling, or exposing for sale any articles, shall cry his wares to the disturbance of the peace and comfort of the inhabitants of the City, or in the neighborhood of school houses or of places used for divine worship.

(CBC 1975 Ord. T14 § 270)

16-2.3 Tobacco Products, Distribution in Public Places.

No person shall, except at full retail price, in or upon any part of the streets, parks, public grounds, public buildings, other public places within the City of Boston distribute any product containing tobacco or non-tobacco cigarette products for any commercial purpose.

(Ord. 1984 c. 22)

16-2.4 Vehicles and Receptacles.

No hawker or peddler shall carry or convey articles enumerated in Section 17 of Chapter 101 of the General Laws and acts in amendment thereof or in addition thereto, in a manner tending to injure or disturb the public health or comfort, or except in vehicles or receptacles which are neat and clean and do not leak, and which have printed on them in letters and figures at least two (2") inches in height the name of the person selling and the number given him by the Board of Health and Hospitals, and which are approved monthly by the Board of Health and Hospitals.

(CBC 1975 Ord. T14 § 271)

16-3 TAKING OF SEA WORMS.

16-3.1 Who May Take.

No person other than a registered voter of the City of Boston shall take sea worms within the limits of the City, except that this prohibition shall not apply to a person taking for his own use and not for purposes of sale not more than one-half ($\frac{1}{2}$) pint of sea worms in any one day. Any person violating the provisions of this section shall be punished by a fine not exceeding twenty (\$20.00) dollars for each offense.

(CBC 1975 Ord. T14 § 272)

16-4 TAKING OF SHELLFISH.

16-4.1 Family Use and Commercial Permits.

a. *Applications; Qualifications.* There shall be granted by the City Council "Family Use" Shellfish Permits and "Commercial Use" Shellfish Permits. A "Family Use" Shellfish Permit may be granted upon written application by any inhabitant of the Commonwealth; but a "Commercial Use" Shellfish Permit shall be granted only upon written application by an inhabitant of the City of Boston who shall have been such for not less than one (1) year next preceding the making of such application; provided, however, that, at such times as the City Council shall deem the number of "Commercial Use" Shellfish Permits so granted to be insufficient for the proper working of the shellfish areas in the City, a "Commercial Use" Shellfish Permit may be granted upon the written application by any inhabitant of the Commonwealth. No application for a "Family Use," or for a "Commercial Use" Shellfish Permit shall be denied except for good cause.

b. *Conditions of Permit.* Every "Family Use", and every "Commercial Use" Shellfish Permit, shall be upon the following conditions:

1. That the permit shall not be transferable;
2. That the permit shall expire in accordance with law and, prior to such expiration, may be terminated by revocation in accordance with law;
3. That the holder thereof shall at all times conform to all applicable statutes, ordinances, rules and regulations;
4. That the holder thereof shall not take shellfish from any area determined under Section 74 of Chapter 130 of the General Laws to be contaminated except in accordance with a permit granted under Section 75 of said Chapter 130; and
5. That the holder thereof shall at no time during the period in any year beginning May 15 and ending September 15 take any shellfish from a beach area.

c. *Revocation of Permit; Transferability.* Any "Family Use" or "Commercial Use" Shellfish Permit may, at any time, after due notice and hearing, be revoked by the City Council for any breach of condition or other good cause. No "Family Use" or "Commercial Use" Shellfish Permit shall be transferable. All such permits, unless sooner revoked, shall be valid for the calendar year in which issued.

d. *Area Permitted.* Any inhabitant of the Commonwealth holding a "Family Use" Shellfish Permit granted under paragraph a. of this section may take, for his own family use, shellfish from the following area in the City of Boston, to wit; the flats and coastal waters lying within the territorial limits of the City of Boston and easterly of a line drawn from Wind Mill Point in the Town of Hull to the southeasterly point of Deer Island and through Deer Island to Point Shirley, except the shores of Lovell's, Gallup's and George's Island; provided, however, that no shellfish shall be taken from said area of a size or at a season prohibited by law; and provided, further, that the amount taken for any family shall not exceed in any one week one bushel of any or all kinds of shellfish; and provided, further, that no shellfish shall be taken from so much of said area as shall from time to time be determined under Section 74 of Chapter 130 of the General Laws to be contaminated except in accordance with a permit granted under Section 75 of said Chapter 130.

e. *Commercial Use Prohibited Area.* Except as otherwise provided in paragraph d. of this section, no person shall take any kind of shellfish within the City of Boston unless he holds a "Commercial Use" Shellfish Permit granted under paragraph a. of this section. No shellfish shall be taken for commercial purposes from the area described in paragraph d. of this section.

f. *Permits Referred to Clerk of Committees.* Every application for a permit under this section shall be referred to the Clerk of Committees of the City Council who shall cause the same to be placed upon the agenda of the Council meeting next following with a report recommending that a permit be granted, unless the Clerk believes that the application contains a false statement, or that concerns of the public good require another action be taken, in either of which event he shall make report to the Council together with his recommendations.
(CBC 1975 Ord. T14 § 273; Ord. 1979 c. 5, Ord. 1981 c. 16, s. 1)

16-5 FIREARMS.

16-5.1 Firing of Cannons and Guns.

No person shall fire or discharge a cannon, gun, fowling-piece, or firearm, within the limits of the City, except at a military exercise or review authorized by the military authority of the Commonwealth or by the City Council or Mayor of the City, or in the lawful defense of the person, family, or property of a citizen;

provided, however, that this prohibition shall not apply to persons engaged in target practice on a range or other premises licensed to be used for such purpose by the City Council.

(CBC 1975 Ord. T14 § 274)

16-6 BONFIRES.

16-6.1 Permits Required.

No person shall make a bonfire or other fire in the open air on any wharf or street within the City, except in accordance with a permit from the Fire Commissioner.

(CBC 1975 Ord. T14 § 275)

16-7 BRICK-KILNS.

16-7.1 Permits Required.

No person shall erect, make, or fire, or cause to be erected, made or fired, within the City, a brick-kiln or lime-kiln, except in accordance with a permit from the Fire Commissioner.

(CBC 1975 Ord. T14 § 276)

16-8 INFLAMMABLE ARTICLES.

16-8.1 Defined; Age and Marking Requirements.

No article fabricated from cellulose nitrate or other similarly inflammable substance shall be sold to any person under age sixteen (16) nor shall any such article be sold to any person over said age unless conspicuously marked with the words "HIGHLY INFLAMMABLE - KEEP AWAY FROM FLAME" in letters of boldface type not less than one eighth ($\frac{1}{8}$ ") of an inch in height.

(CBC 1975 Ord. T14 § 277)

16-9 OBSTRUCTION OF FIREMEN AND FIRE APPARATUS.

16-9.1 Interference Forbidden.

No person shall obstruct any member of the Fire Department in the discharge of his duties, or wilfully interfere with any engine or other apparatus used by members of the Fire Department in the discharge of their duties.

(CBC 1975 Ord. T14 § 278)

16-10 THE MARKET LIMITS.**16-10.1 Sale of Butter.**

No person shall, within any market limits, sell any butter other than by weight; or sell, or expose for sale, any butter in lumps, unless such lumps weight one or more integral pounds or quarter pounds.

(CBC 1975 Ord. T14 § 279)

16-10.2 Obstruction to Travel.

No person shall, within any market limits, so occupy or obstruct any sidewalk as not to leave a clear and direct passage for travellers thereon; or so place or stop any vehicle abreast of, or near to, any other vehicle as not to leave a clear and direct passage for vehicles.

(CBC 1975 Ord. T14 § 280)

16-10.3 Sunday Regulations.

No person shall, within any market limits, permit any box, cask, or other receptacle, or any vehicle, or any horse or other beast, to remain in a street or sidewalk on the Lord's day, except in the evening and in a place assigned by the Superintendent of Markets or his deputies.

(CBC 1975 Ord. T14 § 281)

16-10.4 Disorderly Conduct.

No person shall, within any market limits, play any game, lie down, sleep, or behave in a noisy, disorderly, or riotous manner, or scuffle, or throw any missile or thing whatsoever.

(CBC 1975 Ord. T14 § 282)

16-10.5 Compliance With Directions.

No person shall, within any market limits, neglect or refuse to obey or comply with any reasonable direction of the Superintendent of Markets or his deputies or any Police Officer.

(CBC 1975 Ord. T14 § 283)

16-11 FANEUIL-HALL MARKET LIMITS.**16-11.1 Place and Hours of Sale.**

No person shall, within the Faneuil-Hall Market Limits, sell or expose for sale goods, wares or merchandise in any place other than that assigned by the

Superintendent of Markets or his deputies, and except during the hours for keeping open the market prescribed by the Superintendent of Markets.
(CBC 1975 Ord. T14 § 284)

16-12 USE OF STREETS.

16-12.1 Speed of Animals and Vehicles.

No person having the care of a horse or other beast of burden shall drive, or ride, or permit such horse or beast of burden to go, at a greater rate of speed than seven (7 m.p.h.) mile per hour in a public street.
(CBC 1975 Ord. T14 § 285)

16-12.2 Loitering.

No person shall saunter or loiter in a street in such a manner as to obstruct or endanger travellers or in a manner likely to cause a breach of the peace or incite to riot; but nothing in this section shall be construed to curtail, abridge, or limit the right or opportunity of any person to exercise the right of peaceful persuasion guaranteed by Section 24 of Chapter 149 of the General Laws or to curtail, abridge, or limit the intendment of any statute of the Commonwealth of Massachusetts.
(CBC 1975 Ord. T14 § 286)

16-12.3 Advertising.

Except in accordance with a permit from the Commissioner of Public Works no person shall, for the purpose of advertising goods, wares or merchandise for sale, while on foot in any street, carry and display any show card, placard or sign, nor shall any person distribute to persons in any street for the purpose of advertising goods, wares or merchandise for sale, handbills, cards, circulars or papers other than newspapers, nor shall any person having the control of any vehicle used principally for advertising permit such vehicle to operate in any street north and east of Massachusetts Avenue. The Commissioner of Public Works shall establish, with respect to such advertising matter, such uniform rules governing the size of show cards, placards, and signs as shall be reasonably necessary to prevent interference with public travel and for the other convenience and safety of the public and such rules governing the size of handbills, cards, circulars and papers other than newspapers which may be distributed in the street as shall be reasonably necessary to prevent littering or other hazard to public safety. Each permit issued hereunder shall contain a copy of the rules relating thereto and shall be limited by its terms to the authorization of conduct permitted thereby and otherwise legal.

No permit shall be required nor shall this ordinance operate to affect, interfere with or in any way abridge the right of persons on the street to carry or display non-commercial show cards, placards or signs or to distribute non-commercial handbills, cards, circulars or papers other than newspapers.

(CBC 1975 Ord. T14 § 287)

16-12.4 Merchandise to and from Second Story.

No person shall, except in accordance with a permit from the Commissioner of Public Works, raise into, or lower from, the second or any higher story of a building, over any portion of a street, any article of merchandise.

(CBC 1975 Ord. T14 § 288)

16-12.5 Sprinkling Ashes, Etc., on Streets; Removal of Manure.

No person shall, except in accordance with a permit from the Commissioner of Public Works, or as provided in Subsection 16-12.16, sprinkle, scatter, put, or place any ashes, cinders, earth, dirt, gravel, sawdust, salt, or mixture of salt, in or upon a street, or without such permit remove any manure or dirt from any street.

(CBC 1975 Ord. T14 § 289)

16-12.6 Cleansing Animals, Vehicles and Mats in Streets.

No person shall, in any street, wash or clean any animal or vehicle or shake or clean any mat or carpet. Nor shall any person between the hours of 8:00 a.m. and 7:00 p.m., in that portion of the City proper lying north and east of Kneeland, Eliot, Charles, Beacon, Bowdoin, Green and Leverett Streets, sweep any sidewalk unless such sidewalk is in such condition that dust will not be raised by such sweeping.

(CBC 1975 Ord. T14 § 290)

16-12.7 Dog Fouling.

a. *Duty to Dispose.* It shall be the duty of each person who owns, possesses or controls a dog to remove and dispose of any feces left by his/her dog on any sidewalk, street or other public area. It shall further be the duty of each person who owns, possesses or controls a dog to remove and dispose of any feces left by his/her dog on any private property neither owned nor occupied by said person.

b. *Duty to Possess Means of Removal.* No person who owns, possesses or controls such dog shall appear with such dog on any sidewalk, street, park or other public area without the means of removal of any feces left by such dog. Furthermore, no person who owns, possesses or controls such dog shall appear on any private property neither owned nor occupied by said person without the means of removal of any feces left by said dog.

c. *Method of Removal and Disposal.* For the purposes of this subsection, the means of removal shall be any tool, implement, or other device carried for the purpose of picking up and containing such feces, unexposed to said person or the public. Disposal shall be accomplished by transporting such feces to a place suitable and regularly reserved for the disposal of human feces, specifically reserved for the disposal of canine feces, or as otherwise designated as appropriate by the Commissioner of the Department of Health and Hospitals.

d. *Fines for Violation.* Violation of this regulation shall be punished by a fine of fifty (\$50.00) dollars for each occurrence.

e. *Enforcement.* Violation of this regulation shall be enforced in accordance with law, provided, however, that, if simultaneously with the issuance of a complaint hereunder, a complaint is issued pursuant to G.L., c. 40, s. 21D, and that complaint is disposed of pursuant to said act and CBC, Subsection 16-32.3, the complaint issued hereunder shall be deemed disposed of. The Mayor shall immediately hire thirty (30) C.E.T.A. personnel whose sole responsibility shall be to enforce the provisions of this subsection.

f. *Exemption.* This regulation shall not apply to a dog accompanying any handicapped person who, by reason of his/her handicap, is physically unable to comply with the requirements of this subsection, or any individual over sixty-five (65) years of age accompanying a licensed dog.

g. *Severability.* The provisions of this subsection are severable; and if any of the provisions of this subsection shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.
(CBC 1975 Ord. T14 § 291; Ord. 1979 c. 34)

16-12.8 Litter in Streets.

No person in any public way, public alley or other public place under the charge of the Commissioner of Public Works shall, whether in or upon a vehicle or on foot, deposit, drop or throw upon such way, alley or place or any roadway or walk thereof, and suffer to remain there, any filth, rubbish or other substance unless it is deposited, dropped or thrown into a receptacle provided for the purpose by the Public Works Department.
(CBC 1975 Ord. T14 § 292)

16-12.9 Litter from Vehicles.

No driver of any vehicle upon any public way, public alley or other public place under the charge of the Commissioner of Public Works shall permit to drop or fall from such vehicle onto such way, alley or place or any roadway or walk thereof, and suffer to remain there, any substance except in the maintenance or repair or such way, alley or place.
(CBC 1975 Ord. T14 § 293)

16-12.10 Rubbish Disposal.

The owner or person in control of any premises within the City shall at all times maintain the sidewalks, alleys, streets, and places adjoining the premises free of trash, refuse, rubbish, or debris; provided, however, that this subsection shall not prohibit the storage of litter in the manner and at the times prescribed by the Commissioner of Public Works for purposes of collection.

(Ord. 1975 c. 2; CBC 1975 Ord. T14 § 294)

16-12.11 Rummaging.

No person shall in any public way, public alley or other public place under the charge of the Commissioner of Public Works or upon any roadway or walk thereof rummage in or through rubbish or refuse of any kind or interfere with any bundle of rubbish or refuse or any receptacle containing rubbish or refuse.

(CBC 1975 Ord. T14 § 295)

16-12.12 Size of Barrels.

No person shall deposit, drop or throw any filth, rubbish or other substance into a drum or other barrel with a diameter of more than twenty (20") inches or a height of more than twenty-eight (28") inches if by law or by arrangement such filth, rubbish or other substance is to be collected therefrom by the Public Works Department (whether through employees in its service or through an independent contractor acting for it) or by a person having a permit under Subsection 16-1.20 of this Chapter or Section 31A of Chapter 111 of the General Laws.

(CBC 1975 Ord. T14 § 296)

16-12.13 Overfilling of Barrels or Dumpster of Any Size.

No person shall deposit, drop or throw into a drum or other barrel with a diameter of twenty (20") inches or less and a height of twenty-eight (28") inches or less, or dumpster of any size, any filth, rubbish or other substance which by law or by arrangement is to be collected therefrom by the Public Works Department (whether through employees in its service or through an independent contractor acting for it) or by a person having a permit under subsection 16-1.20 of this Chapter or Section 31A of Chapter 111 of the General Laws if such drum or barrel or dumpster will thereby be filled so high that such filth, rubbish or other substance or any part thereof is likely to drop or fall from such receptacle while it is being moved in the process of such collection.

(CBC 1975 Ord. T14 § 297; Ord. 1985 c. 7)

16-12.14 Coasting or Sledding in Streets.

No person shall coast on any sled or other like vehicle in any street not designated therefor by the Traffic and Parking Commission.

(CBC 1975 Ord. T14 § 298)

16-12.15 Throwing or Shooting on Streets.

No person shall, in any street, play ball, throw stones, snow balls, or other missiles, or shoot with or use a bow and arrow or sling.

(CBC 1975 Ord. T14 § 299)

16-12.16 Removal of Snow and Ice.

No owner or tenant of an estate abutting on a sidewalk shall place or suffer to remain for more than three (3) hours between sunrise and sunset, any snow upon such sidewalk, or any ice upon such sidewalk unless such ice is made even and covered with sand, sawdust, or ashes, to prevent slipping; nor shall any person remove any ice or snow from privately owned property other than residential property and place it upon any sidewalk or roadway of any street.

(CBC 1975 Ord. T14 § 300)

16-12.17 Trash Outside of Places of Business.

No person in control of a place of business abutting on a sidewalk shall knowingly suffer any rubbish, litter, filth, garbage or other refuse to remain on such sidewalk except in a receptacle or bundle placed on such sidewalk in accordance with the provisions in Subsection 16-12.10. No dumpsters shall be allowed to remain on a property in an overflowing condition.

(CBC 1975 Ord. T14 § 301; Ord. 1985 c. 9 § 1)

16-12.18 Trash Within Place of Business.

No person in control of a place of business abutting on a street shall knowingly suffer any rubbish, litter, or other refuse to remain in the open on the estate upon which such place of business is located except in a receptacle or bundle from which such rubbish, litter or refuse is not likely to be blown onto such street. No dumpster shall be allowed to remain on a property in an overflowing condition.

(CBC 1975 Ord. T14 § 302; Ord. 1985 c. 9 § 2)

16-12.19 Cutting of Grass.

No person in control of any estate abutting on a sidewalk shall knowingly suffer to remain uncut any overgrowth of grass planted therein by the City.

(CBC 1975 Ord. T14 § 303)

16-12.20 Cutting Firewood.

No person shall, in any street, saw or cut firewood.

(CBC 1975 Ord. T14 § 304)

16-12.21 Driving Animals.

No person shall drive sheep, swine, or other neat cattle through or in any street, or feed or bait any animal in any street, except in accordance with a permit from the Commissioner of Public Works.

(CBC 1975 Ord. T14 § 305)

16-12.22 Grazing Animals in Street.

No person shall permit any horse, cow, swine, goat, or other grazing animal to go at large in any street.

(CBC 1975 Ord. T14 § 306)

16-12.23 Watering Streets.

No person shall water any street with a watering cart, except in accordance with a permit from the Commissioner of Public Works.

(CBC 1975 Ord. T14 § 307)

16-12.24 Bells and Noise-Making Instruments.

No person, other than musicians in a lawful parade or procession or itinerant musicians licensed thereto by the Police Commissioner, shall, in any street, except as a warning of danger, ring or cause to be rung any bell, or use or cause to be used any musical or noise-making instrument.

(CBC 1975 Ord. T14 § 308)

16-12.25 Unlawful Games.

No person shall expose in any street any table or device of any kind intended for playing a game of hazard or chance; and no person shall play any such game or any other unlawful game in any street.

(CBC 1975 Ord. T14 § 309)

16-12.26 Protection of Trees, Lamp-Post and Hydrants.

No person shall climb, or tie a horse or other animal to, a tree, lamp-post, or hydrant in any street; or attach a wire to a tree belonging to the City or in a street, except by bending wire around a part of the tree over blocks painted substantially the color of the tree and so placed as to protect the tree from injury.

(CBC 1975 Ord. T14 § 310)

16-12.27 Abusive Language; Soliciting in Streets.

No person shall, in any street or other public place, accost or address another person with profane or obscene language; nor shall any person in a street solicit another person to engage in an unlawful sexual act.

(CBC 1975 Ord. T14 § 311)

16-12.28 Drinking of Alcoholic Beverages in Public.

No person shall drink any alcoholic beverage as defined in Chapter 138, Section 1 of the General Laws of the State, or possess an open container, full or partially full, of any alcoholic beverages, while on, in or upon any public way, upon any way to which the public has right of access, in any place to which members of the public have access as invitees or licensees, in any park or playground, conservation area or recreation area, on private land or place without consent of the owner or person in control thereof.

(CBC 1975 Ord. T14 § 312; Ord. 1982 c. 21 s 1; Ord. 1982 c. 23 s 1)

16-12.29 Procurement of Alcoholic Beverages for Underage Individuals.

No person, while in or on any public way, public alley, sidewalk, park, or playground area or vehicle parking or apron pedestrian area serving mercantile establishments within the City shall agree to procure for or deliver to an individual who has not reached age twenty (20) any alcoholic beverage, sealed or open. The burden of ascertaining that the recipient meets age eligibility shall rest upon the person delivering such container of alcoholic beverage. Violators shall be subject to penalty as established by General Laws, Chapter 138, Section 34 imposing a fine up to two hundred (\$200.00) dollars or up to six (6) months imprisonment or both, upon conviction.

(CBC 1975 Ord. T14 § 312A; Ord. 1982 c. 21 s 2)

16-12.30 The Use of Intimidation to Obtain Alcoholic Beverages.

No individual or individuals, while in or on any public way, public alley, sidewalk, park or playground area or vehicle parking or apron pedestrian area serving any mercantile establishment within the City and who are under age twenty (20) shall persuade, intimidate or otherwise cause any other person to purchase or obtain from a licensed establishment alcoholic beverages intended for consumption by such individual or other individuals who are below the legal drinking age in this Commonwealth. Violators, including minors, shall be subject to penalty as established by General Laws, Chapter 138, Section 34A which imposes a fine of three hundred (\$300.00) dollars for each conviction.

(CBC 1975 Ord. T14 § 312B; Ord. 1982 c. 21 s 3)

16-12.31 Posting of "Warning" Notice.

In addition to requirements of Chapter 138, Section 34A, the "warning" poster provided by the State Alcoholic Beverages Control Commission shall in Boston be prominently displayed at the principal entrance of every licensed establishment which sells alcoholic beverages for off-premises consumption. Each police area commander shall ascertain through inspection at least twice annually that every such establishment located in his or her jurisdiction has adequately posted such notice at the principal entrance.

(CBC 1975 Ord. T14 § 312C; Ord. 1982 c. 21 s 4)

16-12.32 Vaults Under Sidewalks.

No person shall make any permanent excavation under the surface of a street, the inner face of the wall of which extends further under the street than to a line eighteen (18") inches inside the line of the outer edge of the curbstone or sidewalk.
(CBC 1975 Ord. T14 § 313)

16-12.33 Gratings.

No person shall place or maintain in a street any grating which extends more than eighteen (18") inches into the street, or the spaces between the bars of which are more than one (1") inch in width.
(CBC 1975 Ord. T14 § 314)

16-12.34 Openings in Street.

No person shall make a coal-hole or other opening in a street, except in accordance with a permit from the Commissioner of Public Works.
(CBC 1975 Ord. T14 § 315)

16-12.35 Steps.

No person shall maintain an entrance to his estate by steps descending immediately from or near the line of a public street, unless the same is securely guarded.
(CBC 1975 Ord. T14 § 316)

16-12.36 Street Openings.

No person shall open or occupy any portion of a street, except in accordance with a permit from the Commissioner of Public Works. Such permit shall be exhibited to a Police Officer upon his request.
(CBC 1975 Ord. T14 § 317)

16-13 BRIDGES AND WHARVES.**16-13.1 Rules Concerning Bridges and Wharves.**

No person shall deface or injure any public bridge or any wharf connected therewith, or unnecessarily open the draw of any such bridge, or obstruct the passage of the same; nor shall any person, without the consent of the draw-tender, make fast to any public bridge, or draw, guard or pier thereof, any vessel, scow, raft, or float; nor shall any person remain inside of the draw-gates, or on any pier, wharf, fender, or appurtenance of such draw, while such gates are closed; nor shall

any person, having under his charge a vessel passing through the draw of any such bridge, refuse or neglect to comply with the directions of a draw-tender relating to such passing.

(CBC 1975 Ord. T14 § 318)

16-13.2 Relative to the Licensing of Certain Bridges and Tunnels.

a. No person shall undertake to construct, maintain, set up or operate, whether or not for a fee or charge, any bridge or tunnel wholly located within the City of Boston, not existing on the date of passage hereof,¹ without first having obtained a license therefor, granted by the Mayor and City Council, only upon recommendation of the Conservation Commission indicating that the same is without significant adverse environmental effect.

b. Without further authority, the Corporation Counsel shall seek to restrain any violation of the provisions hereof.

(Ord. 1981 c. 36 §§ 1, 2)

16-14 PUBLIC BATHING.

16-14.1 Swimming.

No person shall, except in accordance with regulations established by the Parks and Recreation Commission approved by the Mayor, swim or bathe in any of the waters surrounding or within the City so as to be visible from any dwelling-house, wharf, or street.

(CBC 1975 Ord. T14 § 319)

16-15 USE OF ROADWAYS FOR VEHICLES.

16-15.1 Horse-Drawn Vehicles.

No person having charge of a horse-drawn vehicle shall allow the same without an animal harnessed thereto to remain in a street for more than five (5) minutes.

(CBC 1975 Ord. T14 § 320)

16-15.2 Driving Over Drawbridges.

No person having charge of a vehicle with an animal attached thereto to draw the same, shall drive or allow such an animal to go over a drawbridge at a gait faster than a walk.

(CBC 1975 Ord. T14 § 321)

¹Editor's Note: The date of passage of this subsection was July 14, 1982.

16-15.3 Bells on Vehicles.

No person shall drive an animal drawing a vehicle in a street during any time that snow or ice is upon or covers the street, unless there are three (3) or more bells attached to the shaft or pole of the vehicle or to the animal or to some part of the harness thereon.

(CBC 1975 Ord. T14 § 322)

16-15.4 Direction of Vehicles.

No person having charge of a vehicle shall, unless otherwise directed by a Police Officer, pass along a street or public alley in a direction contrary to that designated by the sign placed on the side of such street or alley.

(CBC 1975 Ord. T14 § 323)

16-15.5 Vehicles for Hire.

No person, firm, or corporation shall offer for hire or operate a hackney carriage or other vehicle for the purpose of transporting, soliciting, and/or picking up a passenger or passengers for hire within the limits of the City of Boston unless licensed thereto by the Police Commissioner of the City of Boston.

(CBC 1975 Ord. T14 § 324)

16-15.6 Use of Protective Headgear.

All persons operating a motorized bicycle, as defined by the Registry of Motor Vehicles of the Commonwealth, or riding as a passenger on a motorized bicycle shall wear protective headgear in the City of Boston. The headgear shall conform with such minimum standards of construction and performance as the registrar may prescribe for use by motorcycle operators.

(Ord. 1985 c. 13)

16-16 STREET CARS.**16-16.1 Speed Limits.**

No person having the control of the speed of a street railway car on the surface of any street, except in spaces especially reserved for street railway cars, shall allow such car to go at a rate of speed faster than ten (10 m.p.h.) miles per hour in any part of the City included within the following bounds: Charles Street, Park Square, Eliot Street, Kneeland Street, Atlantic Avenue, Commercial Street, Causeway Street and Leverett Street, including said boundary streets; or in any other part of the City Proper, so called, lying north of Massachusetts Avenue and Southampton Street, at a rate of speed faster than twelve (12 m.p.h.) miles per

hour; or in any other part of the City at a rate of speed faster than fifteen (15 m.p.h.) miles per hour; or in turning a corner in any part of the City at a rate of speed faster than four (4 m.p.h.) miles per hour.

(CBC 1975 Ord. T14 § 325)

16-16.2 Intersections.

In approaching any public or private way intersecting that in which the railway is located, the speed of the car must be reduced to such a rate as will make it possible to stop immediately.

(CBC 1975 Ord. T14 § 326)

16-16.3 Curves.

In rounding curves and in all cases where the view of the motorman is obstructed for any reason, the speed of the car must be reduced to meet the condition of limited vision of railway and highway.

(CBC 1975 Ord. T14 § 327)

16-16.4 Grades.

Before taking any heavy descending grade the speed of the car must be so reduced as to test the working of the brakes.

(CBC 1975 Ord. T14 § 328)

16-16.5 Proximity to Roads.

Where the railway lies within a highway and is close to narrow travelled road the speed of the car must be reduced to meet this condition whenever such road is in rightful use by others.

(CBC 1975 Ord. T14 § 329)

16-16.6 Joint Use of Roads.

Where the railway occupies a portion of the travelled road the absence of any exclusive right of way on the part of the car makes it necessary that its speed be from time to time so restricted as to permit others to safely exercise their common right to a reasonable use of the road.

(CBC 1975 Ord. T14 § 330)

16-16.7 Safety Distances.

No person having the control of the speed of a street-railway car in any street shall, except in case of accident, or to prevent injury to persons or property, allow such a car to go within ten (10') feet of a car or other vehicle in front.

(CBC 1975 Ord. T14 § 331)

16-16.8 Avoiding Collisions; Obeying Police Directions.

No person having control of the speed of a street-railway car shall allow it in any street to go against or afoul of any person, vehicle, or thing whatsoever; nor shall any such person fail to stop his car at any place in a street when directed by a Police Officer so to do.

(CBC 1975 Ord. T14 § 332)

16-16.9 Precautions; Warning Bells.

No person having control of the speed of a street-railway car passing in a street shall fail to keep a vigilant watch for all teams, carriages, and persons, especially children, nor shall such person fail to strike a bell several times in quick succession on approaching any team, carriage, or person, and no person shall, after such striking of a bell, delay or hinder the passage of the car.

(CBC 1975 Ord. T14 § 333)

16-16.10 Prompt Stopping.

No person having control of the speed of a street-railway car passing in a street shall, on the appearance of danger to any team, carriage, or person from, or on the appearance of any obstruction to, his car, fail to stop the car in the shortest time and space possible.

(CBC 1975 Ord. T14 § 334)

16-16.11 Stopping in Intersections.

No person having control of the speed of a street-railway car shall stop any such car on a cross-walk or in front of an intersecting street, except to avoid collisions or danger to persons or as directed by a Police Officer.

(CBC 1975 Ord. T14 § 335)

16-16.12 Spreading of Gravel, Sand, Etc.

No street-railway company shall, except by permission of the Commissioner of Public Works, sprinkle any gravel or sand, or any salt or other article of a decomposing nature, on its tracks or rails in a street, or wash such tracks or rails with brine or pickle.

(CBC 1975 Ord. T14 § 336)

16-17 MOVING BUILDINGS AND BULKY MACHINERY.**16-17.1 Moving Buildings.**

No person shall move bulky machinery, cars, or other merchandise, through, or place or move a building in or through, a street, except in accordance with a permit from the Commissioner of Public Works.

(CBC 1975 Ord. T14 § 337)

16-17.2 Removing Hindrances.

No person moving a building in a street under a permit therefor shall remove any shade-tree or branch thereof in a street, except in accordance with the permission of the Parks and Recreation Commission; or interfere with any fire-alarm telegraph wire, except in accordance with the permission of the Fire Commissioner; or interfere with any street lamp or lamp-post, except in accordance with the permission of the Commissioner of Public Works.

(CBC 1975 T 14 § 338)

16-18 SIDEWALKS.**16-18.1 Use of Sidewalks.**

No person shall use a sidewalk for any purpose which subjects it to more than ordinary wear, or injures the material of which it is composed, unless such sidewalk is, by the owner of the abutting estate, constructed of granite or other stone, in a manner satisfactory to the Commissioner of Public Works, and kept in repair by such owner.

(CBC 1975 Ord. T14 § 339)

16-19 PUBLIC GROUNDS.**16-19.1 Use of Public Grounds.**

No person shall, in or upon the Common, Public Garden, or other public grounds of the City, walk, stand, or sit upon the grass, or upon any land planted or prepared for planting or upon a fountain, monument, or statue, or a bandstand, wall, fence, or other structure, or within the basin of a pond otherwise than upon ice, or stand or lie upon a bench or sleep thereon, except that the Mayor may from time to time by proclamation and order permit walking, standing, and lying upon the grassed land of the Common or designated part thereof, or the grassed land of any other public grounds or any other designated part thereof, except the Public Garden, for such days or parts of such days as he shall specify; and he may in like manner by proclamation and order permit sleeping on such days as he shall specify, on any of the benches and any of the grassed lands of the Common or other public grounds, except the Public Garden. Nothing contained in this subsection or in Subsection 16-19.4 of this section shall be held to prohibit the doing of any act in the reasonable performance of his work or employment by any person acting under the authority or direction of any Board or Officer in charge of any of the places described in this subsection.

(CBC 1975 Ord. T14 § 340; Ord. 1977 c. 11)

16-19.2 Public Addresses, Vending, Etc.

No person shall, in any of the public grounds, use any device intended to amplify or broadcast sound using a megaphone, loud speaker, or any other amplification device, expose for sale goods, wares, or merchandise, erect or maintain a booth, stand, tent, or apparatus for purposes of public amusement or show, except in accordance with a permit from the Mayor, providing, however, that such permit shall be in addition to any other license or permit required by law, and that when such use is for commercial purposes, or where admission to an event, show, exhibition, amusement or the like is restricted to those making a payment of consideration, which shall include payment, donation or contribution of money or a thing of value, or surrender of a ticket, voucher, token or the like, obtained by purchase, for value, or as result of a donation or contribution, or the like, the fee shall be that specified in Subsection 18-1.16(35) hereof, and provided that when the portion of the public ground to be used is within the Common, the Public Garden, or, more than five hundred (500) persons are expected to view or attend the same simultaneously and the same is within one thousand (1,000) feet of any dwelling house, such permit shall be invalid unless approved by the City Council. (CBC 1975 Ord. T14 § 341; Ord. 1977 c. 10; Ord. 1982 c. 40 § 2)

16-19.3 Permit for Use of Park Land for Demonstrations.

No person or organization shall hold or sponsor a demonstration, as herein defined, upon park land unless a permit therefor has first been obtained from the Commissioner of Parks and Recreation. The Commissioner shall honor all requests for such permits, except that the Commissioner may specify the time, place and manner of the demonstration in order to accommodate competing demands for public use of park land and to protect the public safety and convenience. The permit shall require that the permittee be responsible for restoration, rehabilitation and cleanup of the park land which is the subject of the permit. The term "demonstration" shall include demonstrating, picketing, speechmaking, marching, holding of vigils and all other like forms of conduct which involve the communication or expression of views or grievances engaged in by one or more persons, the conduct of which has the effect, intent or propensity to attract a substantial crowd of onlookers or participants. The term "demonstration" shall not include casual park land use which does not have the intent and propensity to attract a substantial crowd of onlookers or participants.

As a condition of permit issuance, the Commissioner shall require in the nature of a fee the filing of a bond with a satisfactory surety payable to the Department of Parks and Recreation in an amount sufficient, as determined by the Commissioner, to cover costs of restoration, rehabilitation and cleanup of the park land which is the subject of the permit. In lieu of a bond, the permittee may elect to deposit cash equal to the amount of the required bond. Any amount not actually used to restore or rehabilitate the park land shall be returned to the permittee. Whoever violates

any provision of this section shall be punished by a fine of three hundred (\$300.00) dollars, and shall be liable for the cost of restoration, rehabilitation and cleanup of the park land used for the demonstration and the reasonable costs of collection of the fee.

(Ord. 1983 c. 26 § 1)

16-19.4 Profanity and Other Offenses.

No person shall, in the Common, Public Garden, or other public grounds of the City, annoy another person; or utter profane, threatening, abusive, obscene, or indecent language or loud outcry; or do any obscene or indecent act; or have possession of, drink, or be under the influence of, intoxicating liquor; or play any game of chance or have possession of any instrument of gambling; or dig up, cut, break, deface, defile, ill-use, handle, take or remove any turf, flower, plant, bush, tree, rock, sign, fence, structure or other thing or part thereof belonging to the City; or cut, break, or remove the ice in or from a pond; or drive an animal, or suffer an animal in his charge to feed or go at large, except dogs on the Common; or propel any vehicle, except a vehicle pushed or drawn by hand and designed to convey children; or throw a stone or other missile; or injure or have possession of a fish, bird, or wild animal; or injure or disturb a bird's nest or eggs; or set a trap or snare; or drop or place and suffer to remain paper or other refuse, except in receptacles designated therefor.

(CBC 1975 Ord. T14 § 342)

16-20 WATER SUPPLY.*

16-20.1 Use of Water.

No person shall, without permission of the Commissioner of Public Works, make an opening in or connection with, or turn on or off or draw off water from, a water pipe or reservoir owned by the City; or, except in accordance with a written permit from the Commissioner or in case of fire in the neighborhood, allow water to be taken from his premises, or use water for any purpose other than that for which he pays; or unscrew or open a hydrant attached to the water pipes of the City; or, except in accordance with the regulations of the Commissioner, discharge water through a hand-hose. Nor shall any person interfere with the registering apparatus of a water meter put in by the City, or damage or injure such meter.

(CBC 1975 Ord. T14 § 343)

***Editor's Note:** The water works system and the sewer works system of the Department of Public Works were abolished and the duties transferred to the Boston Water and Sewer Commission by Ch. 436 of the Acts of 1977.

16-21 WARD-ROOMS; FANEUIL HALL.**16-21.1 Ward Meetings.**

No persons not included in a call for a meeting held under a permit granted by the Assistant Commissioner of Real Property and no person, when objection is made by the majority of the applicants for such permit present at the meeting or by the presiding officer at such meeting, shall mark a ballot, or vote, or remain, at such meeting.

(CBC 1975 Ord. T14 § 344)

16-21.2 Voter Lists.

No person, other than the Assistant Commissioner of Real Property or some person by him duly authorized, shall carry away or interfere with a copy of a list of voters posted or hung up in a ward-room.

(CBC 1975 Ord. T14 § 345)

16-21.3 Decorations.

No person shall put up any decoration in or on Faneuil Hall unless authorized thereto by an order of the City Council; nor shall any person so authorized drive any nail or screw into the building or any part thereof in putting up any decoration.

(CBC 1975 Ord. T14 § 346)

16-22 NUMBERING OF BUILDINGS.**16-22.1 Regulation Concerning Numbering of Buildings.***

No person shall neglect or refuse to affix to or inscribe on any building owned by him the street number assigned to such building by the Building Commissioner; nor shall any person affix to or inscribe on or suffer to remain on any building owned or occupied by him a street number other than the one assigned to such building by the Building Commissioner.

(CBC 1975 Ord. T14 § 347)

16-23 NOTICES AND PLACARDS.**16-23.1 Prior Consent to Post Notices.**

No person shall post up or affix in any manner, paint, print or write, or cause to be painted, printed, or written, a notice, advertisement, or bill, upon a post, pole, fence, wall, or building in the city, unless he has previously obtained the consent of the person having possession of such post, pole, fence, wall, or building.

(CBC 1975 Ord. T14 § 348)

***Editor's Note:** The Building Department and the Housing Inspection Department were abolished and all powers and duties transferred to the Inspectional Services Department by Ch. 19 of the Ordinances of 1981 (Section 9-9 of this Code).

16-23.2 Removal After Elections.

No candidate for any public office shall allow any political notice, advertisement or bill bearing his name to remain posted up or affixed in any manner to a post, pole, fence, tree, wall, building or other structure in the City, beyond thirty (30) days after the election in which he was a candidate, without having previously obtained the written consent of the person having possession of such post, pole, fence, tree, wall, building or other structure.

(CBC 1975 Ord. T14 § 349)

16-23.3 Posting in Public Places.

No person shall, without the consent of the Mayor, post up, or affix in any manner, or paint, print, or write, or cause to be painted, printed, or written, a notice, advertisement, or bill, upon a curbstone, sidewalk, tree, telegraph-pole, lamp-post or hydrant, in a street or public place, or upon a walk, fence, or building belonging to the City.

(CBC 1975 Ord. T14 § 350)

16-23.4 Gasoline Prices.

No person engaged in the sale of gasoline by pump shall display or suffer the display of the price thereof by sign or other marking located at or near the premises upon which such person is so engaged unless such sign or other marking or a similar sign or other similar marking is attached to the pump or pumps to which said price applies, or, unless such sign or other marking clearly indicates the pump or pumps to which said price applies.

(CBC 1975 Ord. T14 § 351)

16-24 JUNK AND SECOND-HAND ARTICLES.**16-24.1 Business Hours.**

No person keeping a shop for the purchase, sale, or barter of junk, old metals, or second-hand articles shall purchase any of the aforesaid articles or have his shop open for the transaction of business, except between sunrise and 9:00 p.m. of any week day except Saturday, on which day such shop may be kept open, and such articles purchased, from sunrise until 10:00 p.m.; and no such person or junk collector shall directly or indirectly either purchase or receive by way of barter or exchange any junk, old metals, or second-hand articles from a minor or apprentice, knowing or having reason to believe him to be such.

(CBC 1975 Ord. T14 § 352)

16-25 OBSCENE AND PORNOGRAPHIC MATERIAL.**16-25.1 Fine for Selling.**

Whoever sells, or distributes, or imports, or loans, or possesses with the intent to sell, or exhibits, prints, or publishes for the purpose of selling or distributing a book, pamphlet, ballad, printed paper, phonographic record, print, picture, figure, image, or description which depicts or describes:

a. Patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated, or

b. Patently offensive representations or descriptions of masturbation, excretory functions, lewd exhibition of the genitals, shall be subject to a fine of fifty (\$50.00) dollars for each day on which such violation occurs or during which such violation continues.

[This ordinance was passed in 1973, under the guidelines established in **Miller v. California**, 441 U.S. 925, 37 L. Ed 2d 419, (June 21, 1973).]
(CBC 1975 Ord. T14 § 353)

16-26 UNREASONABLE NOISE.**16-26.1 Definition.**

No person shall make or cause to be made any unreasonably loud or disturbing noise in the City, by whatever means or from whatever source. In the absence of an applicable noise level standard or regulation of the Air Pollution Control Commission, any noise plainly audible at a distance of three hundred (300') feet shall be presumed to be unreasonably loud and disturbing, but such presumption shall be rebuttable.

(CBC 1975 Ord. T14 § 354)

16-26.2 Unreasonable Noise-Making Automobile Safety Devices.

The use, maintenance, installation or keeping of any device whose purpose it is to protect an owner's vehicle from damage and/or theft through the mechanical creation of a noise of sufficient magnitude to be plainly audible at a distance of two hundred (200') feet from such device which does not automatically terminate any such noise within five (5) minutes shall be unlawful. Penalty for violation of this section shall be a fine of fifty (\$50.00) dollars. This section shall be deemed a part of the Environment Protection Ordinances, so called, and shall be enforced pursuant to the provisions of Chapter 40, Section 21D of the General Laws.

(Ord. 1984 c. 4)

16-26.3 Unreasonable Noise From Automobile Safety Devices.

The use of any device whose purpose it is to protect an owner's vehicle from damage and/or theft through the mechanical creation of a noise of sufficient magnitude to be plainly audible at a distance of two hundred (200') feet from such device which does not automatically terminate any such noise within five (5) minutes shall be declared an unlawful use of a noise making instrument. The penalty for violation of this ordinance shall be fifty (\$50.00) dollars and shall be in compliance with the provisions of Chapter 40, Section 21D of the General Laws. This section shall be deemed a part of the Environment Protection Ordinances, so called.

(Ord. 1984 c. 5)

16-26.4 Regulation of Construction Hours.*

No erection, demolition, alteration, or repair of any building and excavation in regard thereto, except between the hours of 7:00 a.m. and 6:00 p.m., on weekdays or except in the interest of public safety or welfare, upon the issuance of and pursuant to a permit from the Building Commissioner, which permit may be renewed for one or more periods of not exceeding one week each.

(Ord. 1984 c. 10)

16-26.5 Noise Levels at Residential Lot Lines.

It shall be unlawful for any person except in emergencies by Public Utility Companies to operate any construction device(s), including but not limited to impact devices, on any construction site if the operation of such device(s) emits noise, measured at the lot line of a residential lot in excess of 50 DBa between the hours of 6:00 p.m. and 7:00 a.m.

(Ord. 1985 c. 3)

16-27 RETAIL DELIVERY OF MILK.**16-27.1 Time Regulation.**

No retail delivery of milk shall be made before 7:00 a.m.

(CBC 1975 Ord. T14 § 355)

16-28 JITNEY LICENSES.**16-28.1 Requirement.**

No person, firm or corporation shall, in the City of Boston, operate any motor vehicle upon any public way, for the carriage of passengers for hire, in such a

*Editor's Note: The Building Department and the Housing Inspection Department were abolished and all powers and duties transferred to the Inspectional Services Department by Ch. 19 of the Ordinances of 1981 (Section 9-9 of this Code).

manner as to afford a means of transportation similar to that afforded by a railway company, by indiscriminately receiving and discharging passengers along the route on which the vehicle is operated or may be running, or for transporting passengers for hire as a business between fixed and regular termini, without first obtaining a license therefor from the City Council, and unless such license is in force according to the provisions of and subject to this and the following subsections. Such license shall be subject to revocation at any time by order of the City Council. Whenever the word "licensee" is used in this and the following subsections, it shall mean the person, firm or corporation licensed under this subsection.

(CBC 1975 Ord. T14 § 356)

16-28.2 Publication and Notice.

No person shall prosecute a petition to the City Council for a license under Section 1 of Chapter 159A of the General Laws unless at his own expense he has caused to be published, in a newspaper of general circulation published in the City, at least seven (7) days before the public hearing to be held by the Committee on Licenses of the City Council, a notice of the time and place of such hearing, nor unless at his own expense he has also sent by registered mail not less than seven (7) days before such hearing a copy of such notice to the Police Commissioner, the Metropolitan Transit Authority, and such persons as shall file with the Clerk of Committees a written request for noticed under this subsection.

(CBC 1975 Ord. T14 § 357)

16-28.3 Route.

No licensee shall so operate any such motor vehicle except between such termini and over such route and with such stopping places as shall be specified by the City Council in the license granted under the provisions of Subsection 16-28.1, and except in case of emergency, the licensee shall not deviate from the specifications of said license without the approval of the City Council.

(CBC 1975 Ord. T14 § 358)

16-28.4 Fare.

No licensee shall charge, demand, collect or receive a greater, or less, or different compensation for the transportation of passengers or for any service in connection therewith, than the rates, fares and charges applicable to such transportation as specified in the license granted by the City Council.

(CBC 1975 Ord. T14 § 359)

16-28.5 Information to Passengers.

No such motor vehicle shall be used or operated without a printed sign thereon stating the termini of the route, the fare to be charged, and the license number, which sign shall be so printed and attached to the motor vehicle as to be plainly visible to persons on the street, or without a printed sign thereon showing the schedule of service filed and in effect at the time, which sign shall be so printed and attached to the said motor vehicle as to be plainly visible to passengers boarding such motor vehicle.

(CBC 1975 Ord. T14 § 360)

16-28.6 Number of Passengers.

The license issued for such motor vehicle shall designate the number of passengers, exclusive of the operator, the licensee is authorized to carry in said vehicle, and no person driving or in charge of said vehicle shall take on or suffer or permit any more persons to ride or to be carried thereon at any one time than the number designated in the license, or permit any person to stand inside or to stand or sit upon any running board, steps, fender, dash or hood thereof, or permit any person to ride on such motor vehicle outside the body thereof; provided, however, that in addition to the number of passengers which said motor vehicle by the terms of its license is permitted to carry, children under seven (7) years of age may be carried therein, in arms, or seated on the laps of adult persons accompanying them, but no passenger with a child in arms or seated on the lap shall be permitted on any front seat of the vehicle.

(CBC 1975 Ord. T14 § 361)

16-28.7 Operation.

The schedule of operation filed by the licensee shall provide for the regular operation of a motor vehicle between the termini and over the route designated in the license. The licensee shall regularly operate a motor vehicle in substantial accordance with the schedule of operation filed and in effect at the time, except in cases of accident, breakdown, or other controlling emergency, shall operate such motor vehicle to the terminus of the route before turning around, and shall not operate nor permit to be operated any such motor vehicle off or away from the route stated and fixed in the license for the operation of such motor vehicle except in case of controlling emergency. Nothing herein shall be construed to prohibit the operation, in addition to the service described in the schedule on file and in effect at the time, of special or extra trips over said route and between said termini during certain hours or on special occasions.

(CBC 1975 Ord. T 14 § 362)

16-28.8 Carriage of Passengers.

No person operating any motor vehicle so licensed shall refuse to carry any person offering himself or herself at any regular stopping place for carriage, unless the seats of such vehicle are fully occupied, or unless such person is in an intoxicated condition, or conducting himself in a boisterous or disorderly manner, or is using profane language.

(CBC 1975 Ord. T14 § 363)

16-28.9 Lighting, Etc.

No motor vehicle so licensed shall be operated from one half hour after sunset till one half hour before sunrise, with the top and curtain of said vehicle up, or while said vehicle is otherwise enclosed, unless there be sufficient light provided to adequately light the whole of the interior of said vehicle; and all motor vehicles so licensed with a seating capacity of more than seven (7) passengers shall come to a full stop immediately before crossing the tracks of any railroad at grade.

(CBC 1975 Ord. T14 § 364)

16-28.10 Conduct of Operators.

No person operating any motor vehicle so licensed shall collect fares, make change or take on or discharge passengers while such vehicle is in motion; nor shall he have a lighted cigarette, cigar or pipe in his possession while any passenger is being carried therein, nor drink any intoxicating beverage or use morphine, cocaine, opium or other harmful drug of any kind, or be under the influence thereof while engaged in operating such vehicle.

(CBC 1975 Ord. T14 § 365)

16-29 OPEN-AIR THEATERS.**16-29.1 Open-Air Projection.**

No person shall project a motion picture upon any screen in the open air on any estate in the City to which admission is obtained upon the payment of money or the delivery of any valuable thing or by a ticket or voucher obtained for money or any valuable thing if such screen is open to view from a public or private way or an adjacent estate or from any part of a building or other structure in the vicinity.

[Enforcement preliminarily enjoined. **Northeast Theatre, Inc. v. McNamara**, U.S.D.C. of Mass. #72-1558-F]

(CBC 1975 Ord. T14 § 366)

16-30 ABANDONMENT OF AUTOMOBILES.**16-30.1 Abandoned Cars or Automotive Parts Prohibited.**

No person shall place upon public or private land automobiles or automobile parts for the purpose of abandonment.

(CBC 1975 Ord. T14 § 367)

16-31 RODENT AND INSECT PREVENTION MEASURES AT CONSTRUCTION SITES.

In the City of Boston, no building permit shall be issued for renovation, conversion, or new construction until the applicant shows evidence the premises have been treated for, or are free from insects and rodents in compliance with the State Sanitary Code, 105 CMR, Section 410.550. The applicant shall be held responsible for corrective measures should his construction, renovation, or conversion work cause infestation to immediate abutters.

(Ord. 1982 c. 38 § 1)

Cross Reference: Section 17-10.

16-32 FINES.**16-32.1 Generally.**

Any person violating any provision of subsections 16-9.1, 16-12.8, 16-12.9, 16-12.10, 16-12.11, 16-12.12, 16-12.13, 16-12.16, 16-12.17, 16-12.18, 16-12.19, 16-12.27, or 16-12.29 shall be punished by a fine not exceeding fifty (\$50.00) dollars for each offense. Any person violating Subsection 16-2.3 shall be punished by a fine of two hundred (\$200.00) dollars. [Any person violating any other provision of this Chapter or Chapter XVII or Chapter XVIII shall be punished by a fine not exceeding twenty (\$20.00) dollars for such offense, and not only the person actually doing the prohibited thing, but also his employer and every other person concerned in so doing shall be punished by such fine.]

(CBC 1975 Ord. T14 § 368; Ord. 1982 c. 23 s 2)

16-32.2 Drinking of Alcoholic Beverages in Public, Fine.

Any person violating any provision of Subsection 16-12.28 shall be punished by a fine not exceeding two hundred (\$200.00) dollars.

(CBC 1975 Ord. T14 § 368A; Ord. 1982 c. 23 § 3)

16-32.3 Alternative Noncriminal Disposition of Violations of Subsection 16-1.9 and 16-12.7.

Subsections 16-1.9 and 16-12.7 shall be enforced by the Commissioner of Health and Hospitals and his authorized agents, by the Commissioner of Housing Inspection* and his authorized agents, by all Police Officer, by all special Police Officers including parking meter supervisors, so called, appointed under the provisions of Chapter 282 of the Acts of 1898, as amended, and by the Dog Officer appointed under Section 151 of Chapter 140 of the General Laws or the domestic charitable corporation from time to time performing by contract the duties of Dog Officer in accordance with said Section 151, and by the authorized agents of such Dog Officer or such domestic charitable corporation. If any officer empowered to enforce Subsections 16-1.9 and 16-12.7 takes cognizance of a violation thereof, he may, as an alternative to instituting criminal proceedings, forthwith give to the offender a written notice to appear before the Clerk of the District Court having jurisdiction at any time during office hours, not later than twenty-one (21) days after the date of such violation. Such notice shall be in triplicate and shall contain the name and address of the offender, the specific offense charged, and the time and place for his required appearance. Such notice shall be signed by the officer, and shall be signed by the offender whenever practicable in acknowledgement that such notice has been received. The officer shall if possible deliver to the offender at the time and place of the violation a copy of said notice. Whenever it is not possible to deliver a copy of said notice to the offender at the time and place of the violation said copy shall be mailed or delivered by the officer, or by his Commanding Officer, or by the Head of his Department, or by any person authorized by such Commanding Officer or Head of Department, to the offender's last known address, or to the address of the owner of the dog as it may appear on the collar of such dog or as it may appear on the application for a license for such dog in the records of the Police Commissioner, within five (5) days thereof, exclusive of Saturdays, Sundays, and legal holidays. Such notice as so mailed shall be deemed a sufficient notice, and a certificate of the officer or person so mailing such notice that it has been mailed in accordance with this subsection shall be prima facie evidence thereof. At or before the completion of each tour of duty the officer shall give to his Commanding Officer or Department Head those copies of each notice of such a violation he has taken cognizance of during such tour which have not already been delivered or mailed by him as aforesaid. The Commanding Officer or Department head shall retain and safely preserve one of the copies and shall, at a time not later than the next court day after such delivery or mailing, deliver another of such copies to the Clerk of the Court before whom the offender has been notified to appear.

Any person notified to appear before the Clerk of a District Court as hereinbefore provided may appear before such Clerk and confess the offense charged, either personally or through an agent duly authorized in writing, or by

*Editor's Note: The Building Department and the Housing Inspection Department were abolished and all powers and duties transferred to the Inspectional Services Department by Ch. 19 of the Ordinances of 1981 (Section 9-9 of this Code).

mailing to such Clerk, with the notice, the sum of fifty (\$50.00) dollars, such payment to be made only by postal note, money order, or check. Payment to such Clerk of such sum shall operate as a final disposition of the case. Proceedings under this paragraph shall not be deemed criminal; and no person notified to appear before the Clerk of a District Court as provided herein shall be required to report to any probation officer, and no record of the case shall be entered in the probation records.

If any person so notified to appear before the Clerk of a District Court fails to appear and pay the fine provided hereunder or, having appeared, desires not to avail himself of the procedure hereinbefore provided for the non-criminal disposition of the case, the Clerk shall, as soon as may be, notify the officer concerned, who shall forthwith make a complaint and follow the procedure established for violations of these ordinances.

As used in this section the term "District Court" shall include, within the limits of its jurisdiction, the Boston Municipal Court.

The notice to appear provided herein shall be printed in such form as may be satisfactory to the Chief Justice of the Boston Municipal Court and to the Administrative Committee of the District Courts as created by Section 43A of Chapter 218 of the General Laws.

The provisions of this subsection are severable, and if any of the provisions of this subsection shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

(CBC 1975 Ord. T14 § 369; Ord. 1979 c. 35)

16-32.4 Enforcement of Certain Sections.

City of Boston, Ordinances, Subsection 16-1.8 through Subsection 16-1.20; Subsection 16-1.24; Subsection 16-12.5 through Subsection 16-12.23; Subsection 16-22.1 through Subsection 16-23.4 and Subsection 16-26.1 may be enforced in accordance with the provisions of G.L. Chapter 40, Section 21D as inserted by St. 1977, Chapter 401.

(Ord. 1977 c. 16)

16-32.5 Enforcement in Accordance with Massachusetts General Law.

Any person taking cognizance of a violation of the sections of this Code set forth in Subsection 16-32.4 hereof which he is empowered to enforce by statute, ordinance, or by appointment as special Police Officer may enforce said ordinances in accordance with G.L. Chapter 40, Section 21D as inserted by St. 1977, Chapter 401.

(Ord. 1977 c. 16)

16-32.6 Violations; Fine Established.

Any person violating any provision of the ordinances enumerated in Subsection 16-32.4 hereof shall be punished by a fine of ten (\$10.00) dollars for each offense, and not only the person actually doing the prohibited thing, but also his employer and every other person concerned in so doing shall be punished by such fine.

(Ord. 1977 c. 16)

16-32.7 Enforcement of Certain Environmental Protection Ordinances.

The Commissioner of Inspectional Services and any designee of said Commissioner, be, and hereby is, authorized pursuant to Chapter 40, Section 21D of the General Laws to enforce (in addition to those heretofore authorized to enforce):

All of the sections of the ordinances cited in Subsection 16-32.4; Boston Police Rule 401 (CBC St. Title 14, s 164); Subsection 16-12.3; Subsections 16-33.2 and 16-33.7)

(Ord. 1983 c. 22 § 1; Ord. 1983 c. 24 § 1)

16-33 SIGNS, AWNINGS, ETC.**16-33.1 Definitions.**

As used in this section:

Sign shall mean any sign, structure, device, light, letter, word, clock, model, banner, pennant, insignia, trade flag, or representation designed to be seen from outside a building and capable of, or, in fact, advertising or announcing a use conducted, or goods, products, services, or facilities, except legal displays of flags, emblems or insignia of our nation or any political subdivision thereof, and except the following if not projecting over a parkway, other way under the control of the parks and recreation commission, or public way:

- a. Temporary for sale or for rent signs located on the property advertised;
- b. Temporary display posters without independent structural support, in connection with political campaigns or with noncommercial civic, health, safety or welfare campaigns, unless not removed within thirty (30) days following the conclusion of the campaign;
- c. Temporary displays of a patriotic, religious, charitable or civic nature;
- d. Historical or scenic markers approved by a recognized historical or conservation agency;
- e. Signs not prohibited by any other code or ordinance that identify only the occupant of a house or the name and business of a professional person.

(Ord. 1982 c. 5 s 2)

16-33.2 Issuance of Number by Appropriate Department.

No owner or tenant of an estate within the City shall, in view of a parkway, other way under the control of the Parks and Recreation Commission or public way, erect, maintain or suffer to remain any sign, awning, canopy or marquee upon such estate unless such sign, awning, canopy or marquee bears a currently valid distinctive number issued with respect to such sign, awning, canopy or marquee by the Department empowered by this ordinance.

(Ord. 1982 c. 5 s 2)

16-33.3 Inspectional Services Department.

The Inspectional Services Department shall issue distinctive numbers to all signs, awnings, canopies or marquees complying with the applicable provisions of the Boston Zoning Code, subject to the allowances and exceptions therein contained, that do not project over a parkway, other way under the control of the Parks and Recreation Commission or public way. The Commissioner of Inspectional Services shall promulgate such regulations as reasonably necessary to ensure compliance with this ordinance including, but not limited to, number size requirements.

(Ord. 1982 c. 5 s 2)

16-33.4 Public Works Department.

The Public Works Department shall issue distinctive numbers upon payment of the permit fee required by Chapter XVIII to all signs, awnings, canopies or marquees projecting over a public way and complying with the applicable provisions of the Boston Zoning Code, subject to the allowances and exceptions therein contained. The Commissioner of Public Works shall promulgate such regulations as reasonably necessary to ensure compliance with this ordinance including, but not limited to, number size requirements.

(Ord. 1982 c. 5 s 2)

16-33.5 Parks and Recreation Commission.

The Parks and Recreation Commission shall issue distinctive numbers upon payment of the permit fee required by Chapter XVIII to all signs, awnings, canopies or marquees projecting over a parkway or other way under its control and complying with the applicable provisions of the Boston Zoning Code, subject to the allowances and exceptions therein contained. The Commission shall promulgate such regulations as reasonably necessary to ensure compliance with this ordinance including, but not limited to, number size requirements.

(Ord. 1982 c. 5 s 2)

16-33.6 Enforcement.

This ordinance may be enforced in accordance with the provisions of G.L. Chapter 40, Section 21D as inserted by St. 1977, Chapter 401.
(Ord. 1982 c. 5 s 2)

16-33.7 Fine.

Any owner or tenant of an estate within the city who erects, maintains or suffers to remain any sign, awning, canopy or marquee upon such estate in violation of this ordinance shall be subject to a fine of twenty-five (\$25.00) dollars for each day such sign shall remain in violation.
(Ord. 1982 c. 5 s 2)

CHAPTER XVII

LICENSES AND REGULATIONS AFFECTING CERTAIN TRADES

17-1 LICENSING AND REGULATION OF ABORTIONS AND ABORTION CLINICS.

17-1.1 License Required; Fee; Conditions of License.

No person shall operate an abortion clinic, as hereinafter defined, nor, except in a general hospital, perform or offer an abortion as hereinafter defined, whether or not the same is done for a charge or profit, except under license of the Board of Health and Hospitals issued annually at a fee of one thousand (\$1,000.00) dollars, which license shall be issued upon the condition that the holder thereof comply with such regulations as the Board shall from time to time make, amend and repeal, which regulations shall provide for:

- a. Minimum standards for the attendance of qualified professional persons at such abortion or abortion clinic;
- b. Equipment and procedures for use in the event of emergency;
- c. The administration of Rho-Gam or its medical equivalent to those patients requiring the same, as a part of the established fee for abortion;
- d. Pre-abortion counseling and post-abortion examination of patients without charge to the patient beyond the established fee for abortion;
- e. Periodic inspection of the premises by the Board; and
- f. Such other regulations as to the Board appear necessary for the health and safety of patients.

(Ord. 1976 c. 14 § 1)

17-1.2 Definitions.

As used in this section:

Abortion shall mean the intentional administration of any drug or substance, or of any surgical, mechanical, or manual process, or of any regimen, exercise, or procedure causing, or likely to cause, the destruction of the life of an unborn child or the expulsion or removal from the womb of an unborn child or fetus, other than for the principal purpose of producing a live birth or the removing of an already dead fetus.

Abortion clinic shall mean a place, other than a clinic operated by and within a general hospital, where abortions are offered or performed, whether or not the same is done for charge or profit, and whether or not such place would otherwise be described or termed a clinic.

(Ord. 1976 c. 14 § 1)

17-1.3 Violations.

Every person violating this section, or assisting another in the violation of this section shall be punished by a fine of two hundred (\$200.00) dollars, and for the purposes of this section, each abortion offered or performed, and each day any abortion clinic is in operation shall constitute a separate offense.

(Ord. 1976 c. 14 § 1)

17-1.4 Time Allowed for Compliance.

Notwithstanding the provisions of Subsection 2-12.3, this ordinance shall be published by the action of the City Council in passing the same, and shall be in effect upon passage except that abortion clinics in operation on the effective date hereof shall not be required to obtain a license hereunder until the sixtieth day following passage.

(Ord. 1976 c. 14 § 2)

17-2 GASOLINE SERVICE STATIONS.

17-2.1 Requiring Compressed Air and Water at Service Stations.

Persons engaged in the business of selling gasoline or other fuel for motor vehicles at retail in the City of Boston shall, during the hours they are so engaged, have compressed air and water available for the use of motorists.

(Ord. 1979 c. 31 § 1)

17-2.2 Violations.

Any person violating this section shall be punished by a fine not exceeding fifty (\$50.00) dollars for each offense. Failure to have such air and water available during the hours of any one day when such person is selling such gasoline or other fuel at retail shall be one offense.

(Ord. 1979 c. 31 § 2)

17-3 HAYMARKET-BLACKSTONE MARKET.**17-3.1 Market Area Designated.**

There shall be designated in downtown Boston an area known as the Haymarket-Blackstone Market which shall consist of Blackstone Street from North to Hanover; North Street from Blackstone to Union; Hanover Street from Blackstone to Union but not including Union Street or any other street within that area but shall include only these streets for market purposes.

(Ord. 1978 c. 6 § 1)

17-3.2 Hours That Sales Are Permitted.

Vendors shall be licensed by the City of Boston Health and Hospitals Department and shall be allowed on the above streets from 8:00 a.m. to 12:00 midnight, Fridays and Saturdays.

(Ord. 1978 c. 6 § 2)

17-3.3 Authority of Health Division.

The City of Boston Health and Hospitals Department, Health Division, shall determine who are proper persons to be licensed and what portion of said Haymarket-Blackstone area they shall be assigned to.

(Ord. 1979 c. 6 § 3)

17-3.4 Licenses Issued by the Commissioner of Public Works.

Subject to Section 5 of the rules and regulations of the Department of Public Works, effective as of January 1, 1955, the Commissioner of Public Works may issue sidewalk or street licenses for the market area delineated in the above section on any other day but not excluding Friday and Saturday except that on Friday and Saturday sidewalk and street licenses may be issued to that portion of the street not already assigned to a licensed pushcart vendor.

(Ord. 1978 c. 6 § 4)

17-4 JUNK DEALERS, WEIGHERS AND MEASURERS.**17-4.1 Licenses.**

The Police Commissioner of the City of Boston may license suitable persons to be collectors of, or dealers in and keepers of shops for the purchase, sale, or barter of, junk, old metals, or second-hand articles.

(Ord. May 6, 1839; Rev. Ord. 1961 c. 28 § 1; G.L. c. 140 § 54; CBC 1975 Ord. T14 § 400)

Cross References: Section 11-1; ss 16-24.1.

17-4.2 Record of Purchases to be Kept; Inspection.

Every shop-keeper shall keep a book, in which shall be written, at the time of every purchase of any such article, a description thereof, and the name, age, and residence of the person from whom, and the day and hour when, such purchase was made; and the shop of such shopkeeper, and all articles of merchandise therein, and such book shall at all times be open to the inspection of the Mayor, the City Council, the Police Commissioner, or of any person by them respectively authorized to make such inspection.

(Rev. Ord. 1961 c. 28 § 2; CBC 1975 Ord. T14 § 401)

17-4.3 Signs.

Every such shop-keeper shall put in some suitable and conspicuous place on his shop a sign having his name and occupation legibly inscribed thereon in large letters.

(Rev. Ord. 1961 c. 28 § 3; CBC 1975 Ord. T14 § 402)

17-4.4 Sales Restricted.

No such shop-keeper holding a license from the Police Commissioner as a dealer in second-hand articles shall permit to be sold any article purchased or received by him until at least thirty (30) days after its purchase or receipt. Nor shall any dealer in, or keeper of a shop for the purchase, sale, or barter of, junk or old metals, permit to be sold any article purchased or received by him until at least one week after its purchase or receipt.

(Rev. Ord. 1961 c. 28 § 4; CBC 1975 Ord. T14 § 403)

Cross Reference: ss 16-24.1.

17-4.5 Restriction on Display of Articles.

No such shop-keeper holding a license from the Police Commissioner as a dealer in any second-hand articles shall permit to be displayed any second-hand furniture or household effects in any open area surrounding or appurtenant to the premises occupied by said license.

(Ords. 1931 c. 5; Rev. Ord. 1961 c. 28 § 5; CBC 1975 Ord. T14 § 404)

17-4.6 Weighers of Vessels and Ballast, Books and Accounts.

The Weighers of Vessels and Ballast shall keep regular books showing the work done, the reports thereon, the fees earned, and the dates of all certificates.

(Rev. Ord. 1961 c. 28 § 6; G.L. c. 102 § 6; CBC 1975 Ord. T14 § 405)

Cross Reference: Statutes, Title 11 § 30.

17-4.7 Office of Weighers.

The Office of Weighers shall be open from sunrise to sunset on every day except Sundays and legal holidays, but may be closed during the months of April, May, June, July, August and September, from 7:00 a.m. to 8:00 a.m., and during the other months from 8:00 a.m. to 9:00 a.m., and through the whole year from 1:00 p.m. to 2:00 p.m.

(Rev. Ord. 1961 c. 28 § 7; G.L. c. 102 § 14; CBC 1975 Ord. T14 § 406)

Cross Reference: Statutes, Title 11 § 30.

17-4.8 Masters of Vessels to Report to Weigher; Inspection of Vessels.

The master of every vessel that has stone, sand, gravel, or ballast for sale by weight, to be delivered within the City, shall, on arrival, report in person at the Office of the Weighers, and shall produce for examination a certificate of the marks and measurements of his vessel whenever a weigher so demands. One of the weighers shall go on board every such vessel, and inspect its marks both before and after the delivery of such material, and inspect and weigh such material; and the person having charge of the vessel shall before such delivery, if so required by the weigher, pump out all the water in the vessel, and trim it so as to make it swim at equal marks at stem and stern, and shall not deliver any such material until inspected; but this subsection shall not apply to sand sold for building purposes unless the purchasers request an inspection. Whoever violates any provision of this subsection shall be punished by a fine not exceeding one hundred (\$100.00) dollars for each offense.

(Rev. Ord. 1961 c. 28 § 8; CBC 1975 Ord. T14 § 407)

Cross Reference: Statutes, Title 11 § 30.

17-4.9 Reports and Certificates.

When a weigher has inspected and weighed any stone, sand, gravel, or ballast in any vessel, he shall forthwith file a report in the office of the weigher, showing the name of the vessel, the vendor, the kind of material, the weight, and deduction of light-water marks, and the amount of fees received, and shall give a certificate, containing the same matters, to the vendor or owner, but such certificate shall not be given for any material sold out below light-water marks.

(Rev. Ord. 1961 c. 28 § 9; CBC 1975 Ord. T14 § 408)

17-4.10 Vessel Not Subject to Second Weighing.

No vessel which has once been weighed and marked according to law by weigher of the City of Boston shall be subject to charge for a second weighing or marking, unless it appears that her former weight or marks are incorrect or have been changed; but every vessel which has been so weighed and marked shall be subject

to the examination and inspection of every weigher, without charge, for the purpose of ascertaining whether the weights are correct or have been altered.

(Rev. Ord. 1961 c. 28 § 10; CBC 1975 Ord. T14 § 409)

Cross References: St. T.9 § 10; St. T.11 § 30.

17-4.11 Fees for Measurers of Wood and Bark.

The fees for measurers of wood and bark shall be ten (\$.10) cents for each cord measured, to be paid to the measurer by the owner or vendor.

(Rev. Ord. 1961 c. 28 § 11; G.L. c. 94 § 300; CBC 1975 T14 § 410)

17-4.12 Fees for Measuring Grain.

The fees for measuring wheat, corn or other grain shall be three-quarters of a cent (\$.0075) for each bushel, to be paid to the measurer by the owner or vendor.

(Rev. Ord. 1961 c. 28 § 12; G.L. c. 94 § 221; CBC 1975 Ord. T14 § 411)

17-4.13 Fee for Inspecting Ballast.

The fee for inspecting the weight of stone, sand, gravel, or ballast of any kind shall be five (\$.05) cents for every ton, which fee in all cases shall be paid by the vendor and repaid by the vendee.

(Rev. Ord. 1961 c. 28 § 13; CBC 1975 Ord. T14 § 412)

17-4.14 All Other Fees.

All fees not herein specifically enumerated shall be as provided by law.

(Rev. Ord. 1961 c. 28 § 14; CBC 1975 Ord. T14 § 413)

17-5 MINORS' LICENSES.

17-5.1 Requirements for Licenses.

No minor between the ages of sixteen (16) and twenty-one (21) years shall, in any street or public place of the City, work as a bootblack, or sell or expose for sale any newspapers, magazines and periodicals, ice, song sheets, religious publications, flowering plant and such flowers, fruit and berries as are wild and cultivated unless he has a license therefor granted by the Mayor and City Council.

(Reg. January 25, 1892; St. 1934 c. 114; St. 1937 c. 73; Rev. Ord. 1961 c. 28 § 15; G.L. c. 101 § 19; CBC 1975 Ord. T14 § 414)

17-5.2 Issue of License.

The City Clerk shall receive applications of parents or guardians of minors, or of responsible citizens of Boston, for licenses for minors, and shall, when such a

license is granted, issue the license and a badge to such minor. Every such license shall be issued and accepted on condition that the minor shall comply with the terms of the following subsection, which shall be printed in the license.

(Rev. Ord. 1961 c. 28 § 16; CBC 1975 Ord. T14 § 415)

Cross Reference: ss 2-10.3.

17-5.3 Conditions.

The minor shall conform to the statutes and ordinances; shall surrender his license and badge to the City Clerk when notified that his license has been revoked; shall not transfer or lend his license or badge, or furnish any unlicensed minor with newspapers or other articles to sell; shall not sell newspapers in or on any part of a street other than the sidewalk, or in or on a street car without the permission of the company operating such car; shall not at any time, while engaged in working as a bootblack or selling articles in public places, congregate with other persons, or make unnecessary noise, or in any way disturb or annoy persons as they pass, or obstruct free passage on any sidewalk, crosswalk or entrance to any public place, or occupy any stand with any other person, or allow any unlicensed minor to assist or accompany him, or allow idle persons to assemble or congregate around him or around any stand occupied by him, or so work or sell in any other place than that specified in his license when a place is so specified, or at any time while so working or selling fail to wear conspicuously in sight the badge furnished to him by the City Clerk, or fail to exhibit his license to any police or other officer of the City if requested by him so to do. Any minor who violates any of these provisions shall be deprived of his license and badge, and be subject to a fine.

(Rev. Ord. 1961 c. 28 § 17; CBC 1975 Ord. T14 § 416)

Cross Reference: Ord. ss. 2-10.3.

17-6 MISREPRESENTATION IN CONNECTION WITH JOB INCENTIVE PROGRAMS.

17-6.1 Penalty for Violation.

Any person who willfully falsifies or misrepresents his age, sex, race, or residence in order to take advantage of a hiring program made a part of any governmental construction contract shall be punished by a fine of not more than two hundred (\$200.00) dollars per day for each day of employment acquired as a result of such misrepresentation or falsification.

(Ord. 1979 c. 32)

17-7 REAL ESTATE; REGULATION OF CERTAIN ACTIVITIES.**17-7.1 Regulation of Real Estate Activities.**

Any person who solicits the sale, lease, sub-lease, or the listing for sale, lease, or sub-lease, of residential property on the ground of a current or prospective change in the ethnic, racial, social or religious character of a neighborhood or on the grounds of the expansion of the Logan International Airport in the East Boston section of Boston, and any person who induces or attempts to induce such a sale, lease, sub-lease or listing by a statement, written or oral, concerning any such neighborhood change, shall be punished by a fine not exceeding fifty (\$50.00) dollars on account of each solicitation or listing made, or inducement offered, to any person or business entity who is the owner or lessee of residential property, or who seeks to own or lease such property.

Every real estate broker soliciting the sale, lease, or the listing for sale or lease, of three (3) or more residential properties fronting on either side of any street between intersecting or cross streets or between a cul-de-sac or other like termination point and an intersecting or cross street within any ninety (90) day period, whether directly or through his salesman, shall maintain a permanent record, for at least one year from the date of said solicitation, which shall be available for inspection by the Corporation Counsel or any representative thereof upon request, setting forth the name and address of each person so solicited, the address of the property involved, the name of the licensee actually making such solicitation, and the date upon which the solicitation took place. At the request of the Corporation Counsel or any representative thereof, any such broker shall file with the Corporation Counsel a copy of the permanent record, or a statement containing the same information as set forth in the permanent record. Such filing shall be made with the City Clerk no later than ten (10) days following the request therefor.

For the purposes hereof, "soliciting" includes solicitation by telephone, mail, personal visitation, materials distributed by hand, or other media.

(Rev. Ord. 1961 (Sup. 1971) c. 28 § 18A; CBC 1975 Ord. T14 § 417)

Cross Reference: Ord. ss 5-8.1.

17-8 REGISTRATION OF KEEPERS OF SHOPS FOR BARTER, RENTAL OR SALE OF PRINTED MATTER OR MOTION PICTURE FILMS RESTRICTED TO ADULTS.**17-8.1 Registration of Certain Shops.**

On and after September first, 1969, no person shall in any year keep a shop for the barter, rental or sale of printed matter or motion picture film if such shop is not open to the public generally but only to one or more classes of the public

excluding minors under eighteen (18) years of age unless in such year or in the preceding December for such year such person has registered with the City Clerk as provided in Subsection 17-8.2 and the number assigned to him upon such registration is clearly and conspicuously imprinted on all printed matter and motion picture films in such shop; nor shall any person keeping a shop for the barter, rental or sale of printed matter or motion picture film in any year keep a part of his stock segregated as available only to one or more classes of the public excluding minors under eighteen (18) years of age unless in such year or in the preceding December for such year such person has registered with the City Clerk as provided in Subsection 17-8.2 and the number assigned to him upon such registration is clearly and conspicuously imprinted on all printed matter and motion picture films constituting a part of the stock so segregated; nor shall any person in any year at any place in the City, barter, rent or sell, or offer for barter, rental or sale, any printed matter or motion picture film bearing a legend restricting it to adults only or to one or more classes of the public excluding minors under eighteen (18) years of age unless in such year or in the preceding December for such year such person has registered with the City Clerk as provided in Subsection 17-5.2 and the number assigned to him upon such registration is clearly and conspicuously imprinted on such printed matter or motion picture film.

(Rev. Ord. 1961 (Sup. 1971) c. 28 § 23A; CBC 1975 Ord. T14 § 423)

This section and the following two were held unconstitutional in **Broadway Distributors, Inc. v. White**, 307 F. Supp. 1180 (D. Mass. 1970).

17-8.2 Filing for Application.

Any person desiring that a registration number be assigned to him for the purpose of Subsection 17-8.1 shall make application therefor to the City Clerk in a writing setting forth: (1) his name and place of residence, (2) the address of such shop or place, (3) the names and places of residence of all persons having a financial interest in the business, and (4) the names and business addresses of all persons supplying the printed matter or motion picture film to be offered for barter, rental or sale. Any person making application as aforesaid shall from time to time during the year as circumstances change file supplementary writings with the City Clerk setting forth such changes. Unless subsequent to the effective date of Subsection 17-8.1 the applicant has violated Section 28 or Section 28A of Chapter 272 of the General Laws and been finally adjudged guilty of such violation, the City Clerk shall assign to the applicant a registration number.

(Rev. Ord. 1961 (Sup. 1971) c. 28 § 23B; CBC 1975 Ord. T14 § 424)

Cross Reference: G.L. c. 272 §§ 28, 28A; See note above.

17-8.3 Penalty for Violation.

Whoever violates any provision of Subsection 17-8.1 or whoever makes a false or fraudulent representation in making an application under Subsection 17-8.2, or

whoever neglects or fails to file supplementary writings as required by Subsection 17-8.2 shall be subject to a fine of fifty (\$50.00) dollars for each day on which such violation occurs or during which such violation continues.

(Rev. Ord. 1961 (Sup. 1971) c. 28 § 23C; CBC 1975 Ord. T14, § 425)

See note above.

17-9 RECOMBINANT DNA TECHNOLOGY; USE REGULATIONS.

17-9.1 Guidelines for the Regulation of Recombinant DNA Use.

a. Definitions.

1. "Recombinant DNA molecules" (RDNA) and "organisms and viruses containing RDNA" are those defined in the National Institutes of Health Guidelines promulgated in the Federal Register on November 21, 1980, and such amendments thereto as may be approved by the Commissioner of Health and Hospitals (Commissioner). Amendments not acted upon by the Commissioner within sixty (60) days shall be considered approved.

2. An "institution" shall mean any single individual, group of individuals or organization.

3. "Guidelines" are defined as:

(a) National Institutes of Health Guidelines for Research Involving Recombinant DNA molecules as published in the Federal Register of November 21, 1980.

(b) National Institute of Health Physical Containment Recommendations for large-scale use of organisms containing Recombinant DNA molecules as published in the Federal Register on April 11, 1980.

(c) Administrative Practices Supplement to NIH Guidelines for Research involving Recombinant DNA molecules as issued by the Office of Recombinant DNA Activities, November, 1980.

(d) Such amendments to (a), (b) and (c) above which are adopted by NIH and approved by the Commissioner. Amendments not acted upon by the Commissioner within sixty (60) days shall be considered approved.

b. Purpose. All use of RDNA by institutions in the City of Boston shall be undertaken only in strict conformity with the "Guidelines," as defined above, and in conformity with such other health regulations as the Board of Health and Hospitals (Board) may from time to time promulgate or administrative practices which the Commissioner may from time to time require.

c. *Boston Biohazards Committee.*

1. A Boston Biohazards Committee (BBC) shall be established within thirty (30) days of the time of passage of this ordinance for the purpose of overseeing all use of RDNA within the City of Boston and of advising the Commissioner and the Board, all in accordance with the powers and the duties assumed pursuant to Subsection 17-9.3.

2. The BBC shall be composed of seven (7) members, one of whom shall be the Commissioner or his designee who shall serve as chairman; two (2) of whom shall be residents of neighborhoods which are or may be impacted by RDNA research or technology; one of whom shall be a scientist knowledgeable in the field of RDNA research or technology; and three (3) of whom shall assure representation from the fields of public health, occupational health and infectious diseases. Members shall be appointed by the Mayor, subject to confirmation by the City Council, except for the two (2) community representatives. Each neighborhood impacted by RDNA research or production may nominate a delegate to attend and participate in meetings of the BBC. The Commissioner shall arrange with an established community group in each such neighborhood to conduct an election, at no cost to the City, to nominate such delegates. Neighborhood delegates will arrange among themselves at the first meeting of the BBC in each year which delegates shall hold the voting memberships provided in this section. The members as appointed by the Mayor shall serve for terms of three (3) years, except that one member initially appointed to represent a neighborhood which is or may be impacted by RDNA research or technology and one member initially appointed to assure representation from the fields of public health, occupational health or infectious disease shall be initially appointed for terms of two (2) years; and the other two (2) members initially appointed to assure representation from the fields of public health, occupational health or infectious disease shall be initially appointed for terms of one year. Persons appointed by the Mayor to fill vacancies shall serve for the unexpired term of said vacancy. Appointments not acted upon by the City Council shall automatically take effect after twenty-one (21) days.

3. Upon the request of the BBC, the Commissioner shall make available competent professional assistance to assist the BBC in carrying out its duties under this ordinance.

d. *Permit Requirements.*

1. All institutions proposing to use RDNA must obtain a permit from the Board which must be renewed annually. Permit requirements shall, at minimum, include written agreement to:

- (a) Following the "Guidelines" as defined in Subsection 17-9.1.
- (b) Follow other conditions as set forth in this ordinance.
- (c) Allow inspections, at reasonable times, of facilities and pertinent records.

(d) Prepare a Health and Safety Manual which contains all procedures relevant to the use of RDNA at all levels of containments at use at the institution.

(e) Establish a training program of safeguards and procedures for personnel using RDNA.

(f) Submit, to the BBC, for approval by the Commissioner, a plan for the systematic monitoring of research and production waste to assure that surviving RDNA organisms are not released into the environment. Said plan shall include provisions that no surviving RDNA organisms are released into the City's sewerage system.

2. Applications for permits must be acted upon within sixty (60) days, unless such applications involve physical containment defined by the "Guidelines" as "P2" or "P3" or are defined by the "Guidelines" as "large scale" activities, in which case applications must be acted upon within ninety (90) days. Failure to act within such time period shall constitute an approval.

3. Any institution which has not commenced RDNA activity as of the effective date of this ordinance may not proceed until a permit is issued. All other institutions must apply for such permits within sixty (60) days of the effective date of this ordinance.

e. The Institutional Biosafety Committees (IBCs), shall be established in accordance with the "Guidelines," except that the required composition of the committees shall include at least one representative of the local community approved by the Commissioner and at least one non-doctoral person from the laboratory technical staff.

f. The Commissioner may require the forwarding of minutes of IBC meetings and may also require the filing of regular reports, all in a manner to be determined by him. To the extent IBC minutes may contain trade secrets or proprietary information the Commissioner and the Institution shall develop procedures for assuring confidentiality.

g. Institutions using RDNA shall perform adequate screening to insure the purity of the strain of host organisms used in the experiments and shall test organisms resulting from such experiments for their resistance to commonly used therapeutic antibiotics.

h. All institutions using RDNA shall provide an appropriate medical surveillance program as determined by their IBC for all persons engaged in the use of RDNA. Such programs must be submitted to and approved by the Commissioner and shall include, but shall not necessarily be limited to:

1. A medical examination for employees prior to their employment in a laboratory or area engaged in RDNA research or technology.

2. Prompt reporting of significant or potentially related employee illnesses to their IBC.

3. Retention of medical and health records for a period of time to be determined by the Commissioner.

The Commissioner, with the advice and recommendations of the BBC, may set minimum standards for medical examinations, employee illness reporting, and medical and health records, and may likewise require, for specified levels of physical containment or large-scale use, the taking of serum samples at the time of employment and their maintenance to permit future testing. The Commissioner and the institution shall develop procedures to assure that the confidentiality of employee health and medical records are protected.

i. The institution shall report within thirty (30) days to the Commissioner and the BBC any significant problems with or violations of the "Guidelines" and any significant RDNA related accidents or illnesses.

j. All areas in which RDNA is utilized shall be free of rodent and insect infestation.

(Ord. 1981 c. 12 § 1)

17-9.2 Large Scale.

All institutions using RDNA on a "Large Scale" (as defined in the "Guidelines") must adhere to the following requirements in addition to those stated in Subsection 17-9.1.

a. *Special Permit.* All institutions intending to engage in large-scale procedures must obtain a special, large-scale permit from the Board, which must be renewed annually, prior to commencing such procedures. Said permit shall be separate and distinct, but otherwise in addition to the permit required by Subsection 17-9.1.

Such Large-Scale Permit shall require, at minimum, written agreement to:

1. Identify clearly all large-scale RDNA use in their IBC minutes.

2. Develop procedures through their IBC for monitoring large-scale operations for compliance with this ordinance and the "Guidelines," to be approved by the Commissioner.

3. Establish a Health-Safety Program for appropriate employees which shall include periodic health surveillance which must be approved by the Commissioner.

b. The Commissioner shall cause any facility using Large-Scale RDNA to be inspected no less than annually.

c. Prior to issuing any Large-Scale Permit the Board shall conduct an appropriate public hearing.

(Ord. 1981 c. 12 § 2)

17-9.3 Boston Biohazards Committee (BBC).

Recognizing the need for community and scientific input to assist the Board and the Commissioner in carrying out their duties and responsibilities in regulating Recombinant DNA research, production and technology, the BBC, as established by Subsection 17-9.1c., shall have the following duties and responsibilities.

a. The BBC shall continually review literature in the area of Recombinant DNA research, production and technology and shall continually review the effectiveness of the regulatory system established by this ordinance and, in light of such review, shall advise and make recommendations to the Commissioner and the Board as to the manner in which the system may be improved. Included within such responsibilities, the BBC shall review and make recommendations to the Commissioner on all amendments to the "Guidelines."

b. The BBC shall review and make recommendations to the Board on all applications for permits and permit renewals.

c. The BBC shall review, comment and make recommendations to the Commissioner on individual institution's policies, procedures, manuals and programs adopted by such institution for the purpose of conforming with the requirements of this ordinance and its permit.

d. The BBC shall designate one of its members, other than the Commissioner, to participate in site inspections carried out under this ordinance.

e. The BBC shall designate one or more of its members to participate in public hearings held by the Board in the area of Recombinant DNA regulation or permitting.

f. The BBC shall review and make recommendations to the Commissioner and the Board in regard to appropriate administrative action to be taken for violations of this ordinance.

g. The BBC shall make an annual report to the Board, the nature and content of which shall be determined by the BBC, as to the status of RDNA research, technology and production activities within the City and the effectiveness of the regulatory system as established by this ordinance.

h. The BBC shall meet at least six (6) times per year but otherwise with sufficient frequency to assure prompt and effective response to its duties and responsibilities.

(Ord. 1981 c. 12 § 3)

17-9.4 Restrictions.

a. RDNA use requiring containment defined by the "Guidelines" as "P4" shall not be permitted in the City of Boston.

b. There shall be no deliberate release into the environment of any surviving organism containing recombinant DNA and any accidental release shall be reported to the Commissioner immediately and in no case longer than twenty-four (24) hours.

(Ord. 1981 c. 12 § 4)

17-9.5 Fees and Expenses.

The Commissioner is hereby authorized and directed to design, implement and enforce a fee system which shall assure that activities carried out by the City and the BBC in conformance with this ordinance are fully reimbursed by the regulated institutions. Payment of such fee or fees shall be a further condition of the granting or renewing of any permit.

(Ord. 1981 c. 12 § 5)

17-9.6 Penalties.

a. Violation of the conditions of this ordinance shall subject the violator to a fine of two hundred (\$200.00) dollars per day. Each day of violation shall constitute a separate and distinct offense.

b. Once a permit has been issued it may be revoked, suspended or modified by the Commissioner, or not renewed by the Board, only upon a determination, after due notice and hearing, that the institution involved has materially failed to comply with this ordinance, the permit agreements, or the "Guidelines." Notice and hearing procedures shall be those established by the Environmental Health Inspection Services Division of the Department of Health and Hospitals.

c. Notwithstanding the above, the Commissioner, upon a determination that any violation constitutes an immediate and severe threat to the public health and safety, may order the immediate closure of any premises or laboratory engaging in or contributing to such threat, without prior notice and hearing but otherwise with subsequent notice and hearing.

(Ord. 1981 c. 12 § 6)

17-9.7 Severability of Sections.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

(Ord. 1981 c. 12 § 7)

17-9.8 Term.

This ordinance shall be in full force and effect for a period of five (5) years unless the City Council, by ordinance, extends said period. Nothing contained

herein shall be construed to limit the term or effectiveness of any regulations promulgated by the Board of Health and Hospitals during or subsequent to such period.

(Ord. 1981 c. 12 § 8)

17-10 REFUSE CONTAINERS AND OUTDOOR DUMPSTERS; PERMIT REQUIRED; SERVICING BY LICENSED REFUSE CONTRACTOR.

17-10.1 Application for Permit to Maintain Outdoor Dumpster.

Every application for a permit to maintain an outdoor dumpster at a said location must be accompanied by evidence that a licensed refuse contractor servicing the facility will provide periodic pickup and removal of the refuse and cleaning and treatment against rodent or insect infestation at intervals not exceeding one week. The applicant must also supply evidence that the immediate area where the dumpster is to be located is free of rodent and insect infestation. If the applicant fails to have the refuse picked up and removed, or to have the area and the dumpster itself cleaned and treated within the specified time, the permit shall be revoked.

(Ord. 1982 c. 38 § 2)

17-10.2 Refuse Contractors Required to Be Licensed.

Each refuse contractor operating within the City of Boston shall be licensed annually by the Environmental Health Services Division of the Health and Hospitals Department.

(Ord. 1982 c. 38 § 3)

17-10.3 Cleaning and Disinfecting of Storage Containers; Violations; Penalty.

Each refuse contractor licensed by the City of Boston Health and Hospitals Department who stores refuse containers within the City of Boston shall be required to clean and disinfect said containers before they are stored. Failure to do so shall be punishable by a fine of fifty (\$50.00) dollars per container, per day. The lot, yard, or other area where containers are stored must be treated against rodent and insect infestation at intervals not exceeding thirty (30) days.

(Ord. 1982 c. 38 § 3A)

17-11 REFUSE DISPOSAL AND TREATMENT.

17-11.1 Essential Facilities Permitted to Be Operated or Established.

No person shall establish, maintain, operate or use any place within the City of Boston, nor shall any place within the City of Boston be operated, established or

maintained for a refuse treatment or disposal facility, unless such facility has been determined to be absolutely essential or necessary to protect the public health and as a result assigned by the Board of Health and Hospitals in accordance with M.G.L. C. 111, Section 150A after a public hearing and the use and plans or design therefor have been approved by the Massachusetts Department of Environmental Quality Engineering. The process to determine the essential or necessary status of any and all site applications is defined in subsection 17-11.6. For the purposes of this section, the term "refuse treatment and disposal facility" shall include a sanitary landfill, a refuse composting plant, a dumping ground for refuse, a refuse transfer station, an incinerator with a grate area in excess of ten (10) square feet, a residual waste storage or treatment plant, a site for the storage of wastes generated at another location, or any other works for treating, disposing, recycling, or recovering resources from refuse. "Refuse" shall mean all solid or liquid waste materials including garbage and rubbish, but not including sewage.
(Ord. 1985 c. 10 § 1)

17-11.2 Exclusion for System Serving Only One Building.

The provisions of this section shall not apply to any on-site energy recovery waste disposal system which serves only the building within which it is located.
(Ord. 1985 c. 10 § 2)

17-11.3 Regulations for New Refuse Transfer Stations.

Every new refuse transfer station shall be a completely enclosed, covered structure and be located in an area zoned for industrial use.
(Ord. 1985 c. 10 § 3)

17-11.4 Conditions for Assignment Imposed.

No person shall establish, maintain, operate or use an assigned facility other than in accordance with conditions of assignment imposed by the Board of Health and Hospitals and Massachusetts Departments of Environmental Quality Engineering approved plans.
(Ord. 1985 c. 10 § 4)

17-11.5 Application of Regulations.

Subsection 17-11.1 shall not apply to any assigned facility which was assigned as of December 30, 1983 and has Department of Environmental Quality Engineering approved plans, provided, however, that any assigned facility that applies for a substantial modification, change or amendment in the original site assignment shall be subject to the provisions of this section.
(Ord. 1985 c. 10 § 5)

17-11.6 “Necessary and Essential” Designation Obtained from City Council.

Prior to any application for site assignment to the Health and Hospitals Department of the City of Boston under the provisions of M.G.L. C. 111, Section 150A, the prospective applicant must obtain a “necessary and essential” designation from the City Council. These designations may be obtained by the approval of a majority vote of the Council and the approval of the Mayor, provided, however, that if the Mayor disapproves the designation, the Council may approve the designation notwithstanding the disapproval of the Mayor by a two-thirds (2/3) vote of all the Councillors. Such votes for the approval of a designation shall be identical in format to any ordinance. The prospective applicant shall petition the City Council, through the City Clerk, on forms approved by the Clerk, which shall include, but not be limited to, name, address, and telephone number of applicant, place of current business, proposed site, type of business to be allowed, size and structure of proposed facility, list of abutters and statement of petitioner as to the “necessary and essential” nature of the proposed facility. The attested results of the final vote of the City Council relative to the petition shall be forwarded by the City Clerk to the petitioner forthwith. Any petitioner aggrieved by any action of the City Council refusing to grant the necessary and essential designation, within seven (7) days after such action, may appeal therefrom to the Board of Health and Hospitals. The Board of Health and Hospitals through its Trustees or their designee shall review the petition within sixty (60) days and render a decision. The decision of the Board of Health and Hospitals shall be final.

(Ord. 1985 c. 10 § 6)

17-11.7 Violations: Penalties.

The owner and/or the operator of a facility in violation of this section shall be fined not less than one hundred (\$100.00) dollars nor more than five hundred (\$500.00) dollars per violation. Each entering loaded vehicle or loaded container of refuse delivered to the facility the refuse from which is processed or stored, either in a container or on the ground, at the facility shall constitute a separate violation. Each day of operation or maintenance shall constitute a separate violation.

(Ord. 1985 c. 10 § 8)

17-11.8 Violations; Penalty; Enforcement.

The user of a facility in violation of subsection 17-11.1 shall be fined not less than one hundred (\$100.00) dollars nor more than five hundred (\$500.00) dollars per violation. Both the waste hauling company and the vehicle operator shall be considered users. Each loaded vehicle or loaded container of refuse delivered to the facility for processing or for storage, either in a container or on the ground, at the facility shall constitute a separate violation.

The Board of Health and Hospitals, through its Commissioner of Health and Hospitals shall have enforcement powers hereunder.

This section shall take effect upon passage, provided however, that any current license holder shall be exempt but that any current applicant or future applicant for a license shall be subject to the provisions of this section.

(Ord. 1985 c. 10 §§ 1—12)

Cross Reference: Ord. ss 16-1.21.

17-12 SAFETY CONTROL MEASURES IN EVENT OF GAS LEAK OR OTHER EMERGENCIES.

17-12.1 Control Measures Required for Emergency Situations.

Public utilities or licensed companies maintaining within the City of Boston pipelines, conduits, wires, or any other system for transmission of natural gas, fuels, water, sewerage, electricity, acids or dangerous substances shall provide control measures to isolate districts or neighborhoods in event of emergency threatening to spread to other districts.

(Ord. 1983 c. 36 § 1)

17-12.2 Safety Release Discharge Mechanism.

Gas transmission pipeline systems operating in the City of Boston shall, on or before June 30, 1984, in addition to any other control or regulator devices, be equipped with a safety relief discharge mechanism for immediate relief of gas pressures exceeding prescribed tolerances in a district, neighborhood or community.

(Ord. 1983 c. 36 § 2)

17-12.3 Testing of Water and Sewer Lines; Monitoring of Pipeline Flow.

The Boston Water and Sewer Commission shall survey by means of recognized testing devices all major water lines and sewer lines for evidence of leakage at least semi-annually. The Commission shall also utilize available computerization systems for constant monitoring of pipeline flows.

(Ord. 1983 c. 36 § 3)

17-12.4 Enforcement.

The Public Safety Commission of the City of Boston shall enforce provisions of this section and shall, after public hearing, adopt any regulations necessary to this purpose.

(Ord. 1983 c. 36 § 4)

17-13 THEATRICAL EXHIBITIONS AND PUBLIC AMUSEMENTS.**17-13.1 Application for License.**

The Mayor may, unless otherwise prohibited by law, grant a license for theatrical exhibitions, public shows, public amusements, and exhibitions of every description, to be held upon weekdays only, to which admission is obtained upon payment of money or upon the delivery of any valuable thing, or in which, after free admission, amusement is furnished upon deposit of money in coin-controlled apparatus. The application for such license must be in writing and fully and specifically describe the conditions of the proposed exhibition, show, or amusement and the premises upon which the proposed exhibition, show, or amusement is to take place, to the extent that such conditions or premises would affect the public safety, health, or order. Upon written request of the Mayor, the applicant shall, in addition to such description, furnish reasonable information concerning the condition of the premises and actions to be taken in order to prevent danger to the public safety, health, or order.

(Ord. 1973 c. 9; CBC 1975 Ord. T14 § 426)

Cross Reference: Ord. ss 2-7.8.

17-13.2 Time Limit for Acting on Application.

The Mayor shall act upon every application for a license or renewal of a license within thirty (30) days next following the date of the filing of said application; and if he shall fail to act upon any application within the thirty (30) days next following the date thereof or such other time as may be prescribed by law, he shall forthwith upon demand of the applicant issue or renew such license, unless he shall have determined that a hearing should be held to consider whether the application should be denied under Subsection 17-13.3 and within such thirty (30) day period shall have given the notice specified in said subsection.

(Ord. 1973 c. 9; Ord. 1978 c. 9; CBC 1975 Ord. T14 § 427)

Cross Reference: Ord. ss 2-7.8.

17-13.3 Issuance of Licenses.

The Mayor shall grant a license applied for under Subsection 17-13.1, unless he specifically finds, after a hearing preceded by at least ten (10) days written notice to the applicant and to the persons specified in City of Boston Code, St. 14, Section 4 and states in writing within forty-five (45) days next following the close of such hearing that the granting of the license at the premises would lead to or cause an offense under any applicable law, code, or ordinance; or would lead to the creation of a nuisance or otherwise endanger the public health, safety, or order by:

a. Unreasonably increasing pedestrians or vehicular traffic in the area in which the premises are located; or

- b. Increasing the incidence of illegal or disruptive conduct in the area in which the premises are located; or
- c. Unreasonably increasing the level of noise in the area in which the premises are located; or
- d. Otherwise significantly harming the legitimate protectable interests of the affected citizens of the City.

No application shall be denied if the anticipated harm is not significant or if the likelihood of its occurrence is remote.

The Mayor may impose conditions upon a license but said conditions may only relate to compliance with applicable laws or ordinances, or to public safety, health, or order, or to steps required to be taken to guard against creation of a nuisance or to insure adequate safety and security for patrons of the affected public.

(Ord. 1973 c. 9; CBC 1975 Ord. T14 § 428; Ord. 1978 c.9)

Cross Reference: Ord. ss 2-7.8.

17-13.4 Suspension of License.

No license shall be revoked or suspended without a hearing before the Mayor or his designate, prior to which hearing the Mayor or his designate shall give reasonable notice of the time and place of the hearing and the specific grounds of the proposed revocation or suspension; provided that the Mayor may suspend a license for no more than three (3) days without such notice or hearing if the Mayor specifically notifies the license holder in writing there is a probability of violation of public safety, health, or order without such suspension. In such a case a hearing shall be held within forty-eight (48) hours of said suspension in order to determine whether the public safety, health, or order justified such suspension.

(Ord. 1973 c. 9; CBC 1975 Ord. T14 § 429)

Cross Reference: Ord. ss 2-7.8.

17-13.5 Fine for Violation.

Whoever offers to view, sets up, sets on foot, maintains, carries on, or otherwise assists in or promotes any such exhibition, show or amusement without a license shall be subject to a fine of fifty (\$50.00) dollars for each day on which such violation occurs or during which said violation continues.

(Ord. 1973 cs. 9, 10; CBC 1975 Ord. T14 § 430)

17-13.6 Prohibiting Entertainment During Certain Hours.

No person shall between the hours of 2:00 a.m. and 6:00 a.m., in any club, theater, restaurant, retail store, or in any other place of business or place of public assembly, offer, provide, perform, set up, or suffer another to offer, provide, perform, or set up, any entertainment or music, live, recorded, or mechanical,

including but not limited to entertainment or music provided by means of a radio, television, tape recorder, phonograph or projector, except that the showing of a motion picture commenced prior to 12:30 a.m., may continue uninterrupted until its conclusion provided that the same is concluded prior to 3:00 a.m.

Whoever violates this subsection shall be punished by a fine of two hundred (\$200.00) dollars for each day such violation continues.
(Ord. 1979 c. 4)

17-14 TRANSIENT VENDORS.

17-14.1 Licenses for Vendors.

Every transient vendor, whether principal or agent, authorized by state license to do business in this Commonwealth, before making any sales of goods, wares and merchandise in the City of Boston, shall make application for a local license to the City Clerk, stating the names, residences and places of business of the owners or parties in whose interest said business is conducted, and shall at the same time file with the City Clerk a true statement, under oath, of the average quantity and value of the stock of goods, wares, and merchandise kept or intended to be kept or exposed by him for sale. The City Clerk shall submit said statement to the Commissioner of Assessing who shall forthwith make an examination and valuation of such goods, wares and merchandise and transmit a certificate thereof to the City Clerk.

(Rev. Ord. 1961 (Sup. 1971) c. 28 § 19; CBC 1975 Ord. T14 § 418)

Cross References: Ord. ss 2-10.1; Ord. ss 6-2.1.

17-14.2 Issuance of Licenses; Bond to City.

Upon the payment of the fee prescribed by Subsection 18-1.20, paragraph 9, the City Clerk shall issue to the transient vendor a license authorizing the sale of such goods, wares and merchandise within the City of Boston. Such license shall remain in force so long as the licensee shall continuously keep and expose for sale in the City of Boston such stock of goods, wares and merchandise, but not later than the first day of January following its date of issuance. Every transient vendor licensed under this ordinance shall also execute a bond to the City of Boston in the sum of five hundred (\$500.00) dollars with two (2) sufficient sureties, conditioned for faithful observance of this ordinance.

(St. 1933 c. 254 § 64; Ords. 1956 c. 7 § 6; Rev. Ord. 1961 c. 28 § 20; CBC 1975 Ord. T14 § 419)

17-14.3 Display of License.

Every transient vendor who is granted a license under the provisions of this section shall exhibit the same at all times, while in force, in some conspicuous part of the place of business for which it is issued.

(Rev. Ord. 1961 c. 28 § 21; CBC 1975 Ord. T14 § 420)

17-14.4 Definition.

The term "transient vendor" for the purposes of this ordinance shall be the same as defined in Sections 1 and 2 of Chapter 101 of the General Laws of Massachusetts and acts in amendment thereof and addition thereto.

(Rev. Ord. 1961 c. 28 § 22; CBC 1975 Ord. T14 § 421)

Cross Reference: G.L. c. 101 §§ 1, 2.

17-14.5 Penalties for Violation.

Any person, association or corporation who shall engage in the business of a transient vendor, as herein defined, without having secured a license for that purpose as provided in this section, or who neglects or refuses to file the statement described in Subsection 17-14.1, or who makes a false or fraudulent representation in said statement, or who, having secured such license, shall thereafter fail to pay the sum required herein, shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of twenty (\$20.00) dollars for each day during which such goods, wares or merchandise are kept or exposed for sale.

(Rev. Ord. 1961 c. 28 § 23; CBC 1975 Ord. T14 § 422)

**17-15 TRANSPORTATION OF HAZARDOUS MATERIALS BY MOTOR VEHICLE;
REGULATIONS.****17-15.1 Definitions.**

Carrier shall mean a person engaged in the business of transporting hazardous materials on streets and highways by motor vehicles; if the motor vehicle is leased, the lessee is the carrier.

City shall mean the City of Boston.

Hazardous Materials shall mean the following are designated hazardous materials for the purpose of this section:

Class A Explosives (173.53) — Numbers in parens. Refer to Title 49 of the Code of Federal Regulations.

Class B Explosives — (173.88).

Poisonous Gases — Poison A (173.326).

Flammable Solid — (172.101).

Radioactive Materials with Radioactive Yellow III — label (172.403), excluding USA DOT — 7AX Type A radioactive materials that are intended for use in, or incident to, research or medical diagnosis, or treatment.

Liquefied Petroleum Gas (LPG).

Liquefied Natural Gas (LNG).

Liquefied Hydrogen — (173.316).

Flammable Liquids with flash points seventy-three (73°F) degrees Fahrenheit or less, in gross quantities of one thousand (1,000) pounds or more.

Operate shall mean to engage in the transport of hazardous materials in commerce on the streets and highways by motor vehicle.

Person shall mean any individual, corporation, firm, partnership, society, association, joint venture, or other legal entity.

Vehicle shall mean a motor vehicle used for the transportation of hazardous materials in commerce.

(Ord. 1979 c. 39 § 1)

17-15.2 Regulations Established.

Regulations concerning the transport of hazardous materials.

a. The Fire Commissioner and Commissioner of Health and Hospitals shall promulgate joint regulations under the authority of M.G.L.A. Chapter 148, Section 9 and M.G.L.A. Chapter 111, Section 122, and this section and not inconsistent with such authority or regulations issued thereunder. A hearing shall be provided as required by law. Such regulations shall require but not be limited to the following:

1. Adopt Massachusetts Department of Public Works regulation CMR Title 720, Section 8 to ensure the application of those regulations to City streets.

2. Prohibit the transportation of hazardous materials within designated parts of the City between the hours of 6:00 a.m. and 8:00 p.m., Saturdays, Sundays, and holidays excluded. Drivers may operate their vehicles in the designated areas of the City during these restricted hours only if they obtain a permit from the Fire Commissioner to do so.

3. Prohibit the transportation of hazardous materials excluding flammable fluids within the City if there is neither a point of origin nor a destination (delivery point) within the City and if a practical alternative route exists from origin to

destination outside the City. Economic criteria shall not be determinative of whether or not an alternative route is practical. If a practical alternative route does not exist as determined by the Fire Commissioner he shall designate appropriate routes within the City.

4. Designate routes within the City on which carriers may operate their vehicles. These routes shall not go through or near heavily populated areas, places where crowds are assembled, tunnels, narrow streets or alleys, unless no reasonable alternatives exist.

5. Require carriers to obtain permits to operate in unrestricted parts of the City where, in the discretion of the Fire Commissioner and due to the nature of the hazardous materials and/or the routes and parts of the City involved, special precautions are considered necessary.

6. Regulate the operation of all vehicles within the City. This regulation may extend to, but not be limited to,

- (a) The speed at which vehicles may operate in the City;
- (b) Vehicles stopping within the City;
- (c) The degree to which a driver may leave a vehicle unattended;
- (d) The distance that must be maintained between vehicles in transit;
- (e) A requirement that vehicles be equipped with radio communications;
- (f) A requirement that vehicles be provided with adequate illumination and warning lights;
- (g) Requirement that vehicles be placarded "HAZARDOUS CARGO" with identification of that specific hazardous material.

7. Require all carriers to report to the Fire Department every accident within the City involving that carrier's vehicle which results in any of the following:

- (a) Injury or fatality;
- (b) Continuing danger to life or health at the scene of the accident;
- (c) The disabling of the vehicle;
- (d) Estimated property damage exceeding one hundred (\$100.00) dollars;
- (e) An unintentional release of hazardous material from the vehicle.

NOTE: The carrier shall report the accident to the Fire Department:

(1) By phone or in person immediately after the occurrence of the accident; and

(2) In writing within ten (10) days following the accident on a form to be furnished by the Fire Commissioner.

8. Establish a permit system which requires the following:

(a) That any carriers who wish to operate their vehicles in a manner inconsistent with this section and/or regulations hereunder be required to obtain a permit from the Fire Commissioner;

(b) That a permit be issued only where compelling need is shown and where transporting hazardous materials is in the public interest;

(c) That permits be granted for a period of one year and be automatically renewed upon application unless revoked for cause after a hearing before the Traffic and Parking Commission;

(d) That permits be revocable and not transferable;

(e) That permits be carried in the cab at all times and that a suitable means be used to allow ready identification of carriers with permits from outside the vehicle;

(f) That annual fees for permits be set as required to defray administrative expenses and as permitted by law;

9. The Fire Commissioners and the Commissioner of Health and Hospitals shall have the authority to promulgate all regulations necessary to give full effect to the provisions of this section.

(Ord. 1979 c. 39 § 2)

17-15.3 Suspension of Operations.

The Fire Commissioner may temporarily suspend the operation of some or all vehicles within the City, without notice whenever road, weather, traffic, or other special circumstances warrant that action.

(Ord. 1979 c. 39 § 3)

17-15.4 Authority to Restrict Other Hazardous Materials.

The Fire Commissioner and the Commissioner of Health and Hospitals shall have the authority to promulgate regulations controlling the transportation of the following hazardous materials within the City:

Oxidizers (173.151)

Organic Peroxide (173.151a)

Flammable, Pyrophoric and Combustible Materials (173.115)

Radioactive Materials with Radioactive White I or Yellow II label (172.403)

Certain Hazardous Materials which have been identified as posing more than one hazard, for example, uranium hexafluoride which is corrosive and radioactive.

(Ord. 1979 c. 39 § 4)

17-15.5 Authority to Suspend Restriction.

The Commissioner shall have the authority to suspend the aforementioned restrictions, in whole or in part, when extenuating circumstances severely limit transit around the City.

(Ord. 1979 c. 39 § 5)

17-15.6 Delivery of Gasoline and Home Heating Oil.

Nothing in this ordinance shall be construed as prohibiting or interfering with the delivery of home heating oil or gasoline within the City of Boston.

(Ord. 1979 c. 39 § 6)

17-15.7 Reports.

The Fire Commissioner shall compile and submit to the Boston City Council, by February 1 of each year, a written report describing the administration and enforcement of this section, and the regulations issued hereunder, in the calendar year just concluded. This report shall include:

- a. A list of permits issued, expired and renewed;
- b. A list of accidents reported pursuant to subsection 7-15.2a,7.
- c. A list of all noted violations of this section;
- d. Other information the Commissioner considers pertinent.

(Ord. 1979 c. 39 § 7)

17-15.8 Violations.

Any person who violates any provision of this section and/or regulations promulgated hereunder shall be punished by a fine of not more than one thousand (\$1,000.00) dollars in accordance with Mass. Gen. Laws Ann., Chapter 148, Section 10B.

(Ord. 1979 c. 39 § 8)

17-15.9 Severability.

If any provision or clause of this section or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this section which can be given effect without the invalid provision or application, and to this end the provisions of this section are declared to be severable.

(Ord. 1979 c. 39 § 9)

17-15.10 Fees, Rules and Effective Dates.

The Fire Commissioner and the Commissioner of Health and Hospital shall establish a fee structure to cover the administrative costs of this section.

To satisfy the requirement of publications, the Fire Commissioner shall hold public hearings to provide affected parties with the details of the regulations promulgated under this section.

The effective date of regulations promulgated under this section shall be ninety (90) days after the completion of said public hearings.

(Ord. 1979 c. 39 § 10)

Cross Reference: Transportation of Hazardous Materials by Rail; Prior Notification of Fire Commissioner, Section 17-16.

17-16 TRANSPORTATION OF HAZARDOUS MATERIALS BY RAIL; NOTIFICATION OF FIRE COMMISSIONER.

17-16.1 Notification of Fire Commissioner; Time Required.

Within a reasonable time, but at least five (5) hours prior to the rail shipment into or within the City of Boston of any hazardous materials, as defined in Subsection 17-15.1 of 17-15 "Transportation of Hazardous Materials by Motor Vehicles; Regulations," the operator of the rail carrier shall notify the Fire Commissioner of the content, amount, route and destination point, if within the City, of said shipment. In cases where it is impossible to notify the Fire Commissioner within the time required, said operator may apply to the Fire Commissioner for a waiver of said requirement and said waiver may be granted if the Fire Commissioner is satisfied that the public health and safety would not be endangered.

(Ord. 1980 c. 5 § 1)

17-16.2 Fire Commissioner's Procedures.

The Fire Commissioner shall record and compile such information in order to ensure adequate response in case of an accident involving a hazardous material. The Commissioner shall notify the Commissioner of Health and Hospitals of any shipment whose spillage or other accident would require an emergency response by the Department of Health and Hospitals. No person shall disclose to a competitor or any person except as necessary to enforce this section, information involved in a business transaction about the nature, kind, quantity, destination, consignee or routing of said shipment if that information may be used to the detriment of the shipper or consignee as provided in 49 USC s. 11910 (a)(1).

(Ord. 1980 c. 5 § 2)

17-16.3 Violations; Penalty.

Any person who knowingly violates the provisions of this section shall be subject to a fine of not more than one thousand (\$1,000.00) dollars.

(Ord. 1980 c. 5 § 3)

CHAPTER XVIII

FEES AND CHARGES¹

18-1 ENUMERATION OF FEES AND CHARGES.

The following fees and charges are hereby fixed under all powers hereunto enabling (including that conferred by Chapter 222 of the Acts of 1949):

18-1.1 "A" Fees and Charges.

1. *Abatement Records, Copies Of.* The fee to be paid for the furnishing by the secretary to the Commissioner of Assessing of a copy of a record which Section 60 of Chapter 59 of the General Laws requires be kept shall be four (\$4.00) dollars for each page or part thereof.
(Ord. 1976 c. 11; Ord. 1981 c.25)

2. *Alcohol (Methyl or Wood), License to Manufacture or Deal In.* The fee for a license granted by the Board of Health and Hospitals under Section 303B of Chapter 94 of the General Laws to engage in the business described in Section 303A of said Chapter shall be three (\$3.00) dollars.
(Ord. 1976 c. 11)

3. *Ammunition, License to Sell.* The fee for a license to sell ammunition granted by the Police Commissioner under Section 122B of Chapter 140 of the General Laws shall be two hundred twenty-five (\$225.00) dollars.
(Ord. 1976 c. 11; Ord. 1985 c. 4 § 1)

4. *Ammunition, License to Store.* The fee for an annual license to store ammunition granted by the Chief of the Fire Department under Section 13 of Chapter 148 of the General Laws shall be twenty-five (\$25.00) dollars.
(Ord. 1976 c. 11)

5. *Appeal to Board of Appeal Under Building and/or Zoning Code.* The fee paid to the Commissioner of Inspectional Services for an appeal to the Board of Appeal, under the State Building Code, the Boston Zoning Code, or both, shall be:

¹**Editor's Note:** For a history of many of the fees and charges enumerated in this section, see Rev. Ord. 1961 ch. 30 § 1 and 1971 Cumulative Supplement c. 30 § 1. See also Ord. 1972, c. 5, c. 14; Ord. 1973 c. 2; Ord. 1974 c. 16; Ord. 1975 cs 1, 6; Ord. 1976 c. 3, c. 5, c. 8, c. 11, c. 12, c. 17, c. 18; Ord. 1977 c. 1, c. 2, c. 7, c. 9, c. 15, c. 17; Ord. 1978 c. 1, c. 4; Ord. 1979 c. 18, c. 30; Ord. 1981 c. 5—c. 7, c. 9—c. 11, c. 13—c. 16, c. 22—c. 31, c. 33—c. 35; Ord. 1982 c. 3, c. 4, c. 5, c. 9, c. 18, c. 19, c. 27, c. 28, c. 32; CBC 1975 Ord. T14 § 450; Ord. 1985 c 4, c. 12.

(a) in the case of a dwelling which would, should the appellant prevail, contain three (3) or less dwelling units and no other use, one hundred (\$100.00) dollars, and (b) in every other case, one hundred (\$100.00) dollars for each condition, provision, use item restriction, or dimensional requirement which is the subject of such appeal.

(Ord. 1981 c. 23 § 2)

6. *Archery Stamp*. The fee for an Archery Stamp issued by the City Clerk under Chapter 131 of General Laws shall be as prescribed by Section 11 of said Chapter 131.

(Ord. 1976 c. 11)

7. *Assembly, Permit to Use Place as Place Of*. The fee for a permit granted by the Chief of the Fire Department under Section 27.02 of the Boston Fire Prevention Code to maintain, operate, and use a place as a place of assembly shall be, for each year in which such permit may be exercised, seventy-two (\$72.00) dollars in the case of a place of assembly having a lawful capacity of at least fifty (50) persons but fewer than one hundred (100) persons; one hundred eight (\$108.00) dollars in the case of a place of assembly having a lawful capacity of at least one hundred (100) persons but fewer than two hundred (200) persons; one hundred forty-four (\$144.00) dollars in the case of a place of assembly having a lawful capacity of at least two hundred (200) persons but fewer than three hundred (300) persons; one hundred eighty (\$180.00) dollars in the case of a place of assembly having a lawful capacity of at least three hundred (300) persons but fewer than four hundred (400) persons; four hundred fifty (\$450.00) dollars in the case of a place of assembly having a lawful capacity of at least four hundred (400) persons but fewer than five hundred (500) persons; nine hundred (\$900.00) dollars in the case of a place of assembly having a lawful capacity of at least five hundred (500) persons but fewer than four thousand nine hundred ninety-nine (4,999) persons; one thousand eight hundred (\$1,800.00) dollars in the case of a place of assembly having a lawful capacity of at least five thousand (5,000) persons but fewer than thirteen thousand nine hundred ninety-nine (13,999) persons; and three thousand six hundred (\$3,600.00) dollars in the case of a place of assembly having a lawful capacity of more than fourteen thousand (14,000) persons.

(Ord. 1976 c. 11, c. 18; Ord. 1985 c. 4)

8. *Assessor's Certificate as to Abutters*. The charge to be paid for a certificate by or in behalf of the Commissioner of Assessing of the persons who on a specified assessment date were assessed for parcels of land abutting on a specified parcel of land shall be a primary fee of four (\$4.00) dollars if the certificate is prepared by the applicant therefor, and of forty (\$40.00) dollars if it is not; and in either case an additional fee of two (\$2.00) dollars for each parcel of land abutting on the specified parcel.

(Ord. 1976 c. 11; Ord. 1981 c. 25)

9. *Assessor's Certificate as to Real Estate.* The charge to be paid for a certificate by or in behalf of the Commissioner of Assessing as to the assessment on one or more assessments dates of a particular parcel of land or of two (2) or more parcels of land assessed to the same person or persons on such date or dates shall be fifty (\$.50) cents for each assessment date but in no event less than two (\$2.00) dollars; and the charge to be paid for a duplicate of any such certificate if ordered simultaneously with the original shall be one (\$1.00) dollar.
(Ord. 1976 c. 11; Ord. 1981 c. 25)

10. *Assessor's Plans, Copies Of.* The charge to be paid for copies of engineering survey plans made or kept by the Commissioner of Assessing shall be eight (\$8.00) dollars for each copy of one full-sized plan and four (\$4.00) dollars for each copy of one reduced size plan.
(Ord. 1976 c. 11; Ord. 1981 c. 25)

11. *Assignment f/b/o Creditors.* The fee of the City Clerk for filing and indexing a copy of an assignment for the benefit of creditors under Section 41 of Chapter 203 of the General Laws shall be ten (\$10.00) dollars.
(Ord. 1976 c. 11; Ord. 1981 c. 13)

12. *Assignment of Wages.* The fee of the City Clerk for recording under either Chapter 154 or Chapter 255 of the General Laws an assignment of, or order for, future wages and salary, including any acceptances thereof by the employer, shall be five (\$5.00) dollars.
(Ord. 1976 c. 11; Ord. 1981 c. 13)

13. *Association Merged Into Corporation.* The fee of the City Clerk for receiving and filing under Section 46A of Chapter 156 of the General Laws a copy, certified by the Secretary of the Commonwealth, of articles of amendment in connection with the merger of an association into a corporation or a certificate issued pursuant to Section 46F of said Chapter 156 evidencing the filing of such articles with the Secretary, shall be ten (\$10.00) dollars.
(Ord. 1976 c. 11; Ord. 1981, c. 13)

14. *Attachment of Bulky Personal Property.* The fee of the City Clerk for receiving and filing a certified copy of writ and return of attachment of bulky personal property under Section 51 of Chapter 233 of the General Laws shall be five (\$5.00) dollars.
(Ord. 1976 c. 11; Ord. 1981 c. 13)

15. *Attachment of Bulky Personal Property, Dissolution Of.* The fee of the City Clerk for receiving and filing a dissolution of attachment of bulky personal property shall be five (\$5.00) dollars.
(Ord. 1976 c. 11; Ord. 1981 c. 13)

16. *Attorney.* See "Power of Attorney."

17. *Auction, License of Establishment for Closing Out.* The fee for a license granted by the Police Commissioner under Section 18 of Chapter 100 of the General Laws to conduct or maintain an establishment for holding an auction represented or advertised by any such descriptive term as is set forth in said Section 18 shall be fifty (\$50.00) dollars.
(Ord. 1976 c. 11; Ord. 1985 c. 4 § 3)

18. *Auction, License of Establishment for Sale of Jewelry, Etc., At.* The fee for a license granted by the Police Commissioner under Section 14 of Chapter 100 of the General Laws to conduct or maintain an establishment for the sale at auction of the articles or goods enumerated in said Section 14 shall be fifty (\$50.00) dollars.
(Ord. 1976 c. 11; Ord. 1985 c. 4 § 4)

19. *Auctioneer's License (for Resident).* The fee for an auctioneer's license granted by the Police Commissioner under Section 2 of Chapter 100 of the General Laws shall be one hundred (\$100.00) dollars.
(Ord. 1976 c. 11; Ord. 1978 c. 4; Ord. 1985 c. 4 § 5)

20. *Auctioneer's Permit (for Non-Resident to Auction Goods Brought into City for Sale by Auction).* The fee for an annual auctioneer's permit granted by the Police Commissioner under Section 6 of Chapter 100 of the General Laws shall be two hundred fifty (\$250.00) dollars.
(Ord. 1976 c. 11; Ord. 1985 c. 4 § 6)

21. *Auctioneer's Permit (for Non-Resident to Auction Jewelry, Etc., at Licensed Establishment).* The fee for a permit to act as an auctioneer issued by the Police Commissioner under Section 14 of Chapter 100 of the General Laws shall be fifty (\$50.00) dollars for a temporary license for a period not to exceed thirty (30) days, or one hundred fifty (\$150.00) dollars per annum.
(Ord. 1976 c. 11; Ord. 1978 c. 4)

22. *Auctioneer's Special License (for Non-Resident to Auction Real Estate, Livestock and General Farm Equipment and Produce).* The fee for a special auctioneer's license granted by the Police Commissioner under Section 2 of Chapter 100 of the General Laws shall be ten (\$10.00) dollars for each of the days for which it is granted, but not less than fifty (\$50.00) dollars.
(Ord. 1976 c. 11; Ord. 1978 c. 4)

23. *Automatic Amusement Device License.* The annual fee for a license granted by the Licensing Board under Section 177A of Chapter 140 of the General Laws for any automatic amusement device licensed thereunder shall be one hundred forty (\$140.00) dollars. The fee for any such license granted after January thirty-first in any year shall be ten (\$10.00) dollars for each calendar month in which the license may be exercised.
(Ord. 1976 c. 11; Ord. 1981 c. 35)

24. *Automobile Wrecking Yard Permit.* The fee for a permit granted by the Chief of the Fire Department under Section 3.02 of the Boston Fire Prevention Code to conduct or maintain an automobile wrecking yard shall be three hundred (\$300.00) dollars annually.

(Ord. 1976 c. 11; Ord. 1981, c. 22; Ord. 1985 c. 4 § 7)

18-1.2 "B" Fees and Charges.

1. *Badges, Medallions and Plates, Replacement of Lost.* Except as otherwise provided in this section, the fee of any board or officer for replacing any lost badge, medallion, or plate shall be ten (\$10.00) dollars.

(Ord. 1976 c. 11; Ord. 1981 c. 7)

2. *Bakery Permit.* The fee for a permit granted under Subsection 16-1.4 shall be twenty-five (\$25.00) dollars for each one thousand (1,000) square feet, or portion thereof, devoted to the manufacture of baked goods, including storage of raw materials, baking, packaging, etc., but excluding any area devoted to the display of baked goods for sale at retail, and provided, that in the case of a bakery inspected by the Department of Public Health of the Commonwealth, the fee hereunder shall be reduced by the amount, if any, paid to the Commonwealth in connection with such inspection.

(Ord. 1976 c. 11; Ord. 1977 c. 9; Ord. 1981 c. 34)

3. *Baths (Vapor, Pool, Shower or Other).* The fee for an annual license granted by the Board of Health and Hospitals under Section 51 of Chapter 140 of the General Laws to conduct an establishment for the giving of vapor, pool, shower or other baths for hire or reward shall be two hundred (\$200.00) dollars.

(Ord. 1976 c. 11; Ord. 1981 c. 34)

4. *Beast, Determination of Amount Due from Owner of Impounded.* The fee of the City Clerk for issuing a warrant under Section 36 of Chapter 49 of the General Laws shall be one (\$1.00) dollar.

(Ord. 1976 c. 11)

5. *Beverage Bottles.* See "Registration of Beverage Bottles."

6. *Beverages, Manufacture or Bottling Of.* The fee for a permit granted by the Board of Health and Hospitals under Section 10B of Chapter 94 of the General Laws to engage in the business of manufacturing or bottling carbonated non-alcoholic beverages, soda waters, mineral or spring waters shall be four hundred (\$400.00) dollars.

(Ord. 1976 c. 11; Ord. 1981 c. 34)

7. *Bicycle Registration.* The fee for the registration of a bicycle and the issuance of a certificate of registration and registration plate by the Police Department under Section 11A of Chapter 85 of the General Laws shall be one

(\$1.00) dollar provided, however, that the fee for the registration of a bicycle by an establishment dealing in the rental of bicycles shall be two (\$2.00) dollars for each bicycle.

(Ord. 1976 c. 11; Ord. 1985 c. 4 § 8)

8. *Bicycle Registration, Duplicate Plate.* The charge of the Police Department for replacing a lost bicycle registration plate shall be twenty-five (\$.25) cents.

(Ord. 1976 c. 11)

9. *Bills of Sale.* See "Personal Property Mortgages, Etc."

10. *Birth, Entry of Delayed Record Of.* The fee of the City Registrar for entering under Section 13 or Section 13A of Chapter 46 of the General Laws a delayed record of birth shall be seven dollars and fifty (\$7.50) cents.

(Ord. 1976 c. 11; Ord. 1981 c. 14; Ord. 1985 c. 4 § 9)

11. *Birth, Marriage, or Death, Abstract Copy of Record Of.* The fee of the City Registrar for furnishing an abstract copy of a record of a birth, marriage, or death shall be two (\$2.00) dollars.

(Ord. 1976 c. 11; Ord. 1981 c. 14)

12. *Birth, Marriage or Death, Amendment, Correction, or Supplementation of Record Of.* The fee of the City Registrar for amending, correcting, or supplementing under Section 13 of Chapter 46 of the General Laws the record of the birth, marriage, or death, including amending thereunder the record of the birth of an illegitimate child upon legitimation, shall be seven dollars and fifty (\$7.50) cents.

(Ord. 1976 c. 11; Ord. 1981 c. 14; Ord. 1985 c. 4 § 10)

13. *Birth, Marriage or Death, Certificate as to Record Of.* The fee of the City Registrar for furnishing a certificate as to the record of a birth, marriage, or death shall be five (\$5.00) dollars.

(Ord. 1976 c. 11; Ord. 1981 c. 14; Ord. 1985 c. 4 § 11)

14. *Births, Marriage, and Deaths, Copy of Record Of.* The fee of the City Registrar for furnishing a certified copy of a record or paper relating to a birth, marriage, or death shall be five (\$5.00) dollars for each page or part thereof; provided, that any person whom for cause, the City Registrar deems entitled to exemption from said fee shall receive such copy for such reduced fee, or without fee, as the City Registrar may determine.

(Ord. 1976 c. 11; Ord. 1981 c. 14; Ord. 1985 c. 4 § 12)

15. *Births, Marriages, and Deaths, Search of Records Of.* The fee of the City Registrar for searching, or causing to be searched, upon request, records or papers relating to births, marriages, or deaths shall be five (\$5.00) dollars for each hour or fraction thereof; provided, that any person whom for cause the City Registrar deems entitled to exemption from said fee shall receive such service for such reduced fee, or without fee, as the City Registrar may determine.

(Ord. 1976 c. 11; Ord. 1981 c. 14; Ord. 1985 c. 4 § 13)

16. *Blasting Bond.* The fee of the City Clerk for receiving and filing a bond given under Section 19 of Chapter 148 of the General Laws in connection with a permit to use an explosive in the blasting of rock or other substance shall be twenty-five (\$25.00) dollars.

(Ord. 1976 c. 11; Ord. 1981 c. 13)

17. *Blasting Permit.* The fee for a permit granted by the head of the Fire Department under Section 10A of Chapter 148 of the General Laws to use explosives shall be fifty (\$50.00) dollars for each blast or series of concomitant blasts thereby authorized.

(Ord. 1976 c. 11; Ord. 1981 c. 22)

18. *Boat License.* The fee for a license to run a steamboat or other boat propelled by power other than muscular power for the conveyance for hire of passengers on a lake, pond, or waters not within the maritime jurisdiction of the United States granted by the City Council under Section 191 of Chapter 140 of the General Laws shall be fifty (\$50.00) dollars and the fee of the City Clerk for recording such a license under Section 192 of said Chapter 140 shall be one (\$1.00) dollar.

(Ord. 1976 c. 11)

19. *Boat or Raft, Permit to Moor.* The fee for a permit granted by the Commissioner of Public Works to moor a boat or raft to property of the City under the charge of such Commissioner shall be, for each monthly period in which such permit may be exercised, a primary fee of ten (\$10.00) dollars and an additional fee of two (\$2.00) dollars for each five (5') feet in the length of the boat or raft.

(Ord. 1976 c. 11; Ord. 1982 c. 5)

20. *Bowling Alley License.* The fee for a license to keep a bowling alley for hire, gain, or reward granted by the licensing board under Section 177 of Chapter 140 of the General Laws shall be a primary fee of forty (\$40.00) dollars and an additional fee of twenty (\$20.00) dollars for each alley or bed.

(Ord. 1976 c. 11; Ord. 1981 c. 35)

21. *Bowling Alley Refinishing Permit.* The fee for a permit granted by the Chief of the Fire Department under Section 4.02 of the Boston Fire Prevention Code to refinish bowling pins, or resurface bowling alleys, or both, using flammable liquids or materials, shall be fifty (\$50.00) dollars.

(Ord. 1976 c. 11; Ord. 1981 c. 22)

22. *Builder's or Mechanic's License.* The fee for an application for a license granted by the Board of Examiners under Section 120 of Chapter 479 of St. 1938 and classified by said Board under paragraph (c) of said section as an ABC license shall be fifty (\$50.00) dollars; provided, that the fee for an application for a renewal of such a license shall be, if paid on or before or within thirty (30) days after the expiration date of the license renewed, thirty (\$30.00) dollars, otherwise, thirty-five (\$35.00) dollars. The fee for an application for any other license or

combination of licenses granted by the Board of Examiners under said Section 120 shall be forty (\$40.00) dollars; provided, that the fee for an application for a renewal of such license, for which the fee is paid on or before or within thirty (30) days after the expiration date of the license renewed, shall be thirty (\$30.00) dollars, otherwise, thirty-five (\$35.00) dollars. No license shall be issued under this section until the licensee shall have certified that he owns a copy of the State Building Code. The fee to be charged by the Board of Examiners for the replacement of any lost license shall be five (\$5.00) dollars. Each fee fixed by this clause shall include the cost of the photograph of the licensee contained in the license. The Board of Examiners may refund, only in the case of an applicant who takes and fails the qualifying examination, but in no other case, one-half ($\frac{1}{2}$) of the fee paid.

(Ord. 1976 c. 11; Ord. 1979 c. 30; Ord. 1981 c. 23; Ord. 1985 c. 4 § 14)

23. *Building Construction and Demolition Permit.* The fee of the Chief of the Fire Department under Section 7.02 of the Boston Fire Prevention Code for reviewing an application for a permit under Section 113 of the Commonwealth of Massachusetts Building Code to construct or demolish a building or structure shall be a primary fee of one hundred (\$100.00) dollars and an additional fee of five (\$5.00) dollars for each story above three (3) in the building or structure to be constructed or demolished and a further additional fee of two (\$2.00) dollars for each full five thousand (5,000) cubic feet in such building or structure as measured by the outer side of the outside walls, the exterior of the roof and the top of the foundation walls.

(Ord. 1985 c. 4 § 16)

24. *Building Demolition Permit.** The fees of the Building Commissioner for receiving an application for a permit under s. 113 of the Commonwealth of Massachusetts State Building Code to remove or demolish a building or structure shall be a primary fee of thirty (\$30.00) dollars and an additional fee of fifteen (\$15.00) dollars for each story in the building or structure to be demolished; and a further additional fee of six (\$6.00) dollars for each full five thousand (5,000) cubic feet in such building or structure as measured by the outer side of the outside walls, the exterior of the roof, and the top of the foundation walls. In cases which the City contracts for the removal or demolition of an unsafe, dangerous, or abandoned structure, the cost of the permit shall be charged to the contractor but shall be a cost and charge incurred as defined in Section 124.2 of the State Building Code and shall be collected as provided for by that section. In these cases, the owner shall be assessed a fee for this permit equal to three (3) times the fee for a regular demolition permit as provided in this paragraph.

(Ord. 1976 c. 11; Ord. 1981 c. 28)

*Editor's Note: The Building Department and the Housing Inspection Department were abolished and all powers and duties transferred to the Inspectional Services Department by Ch. 19 of the Ordinances of 1981 (Section 9-9 of this Code).

25. *Building Materials Yard Permit.* The fee for a permit granted by the Chief of the Fire Department under Section 23.01 of the Boston Fire Prevention Code to operate a building materials yard, whether or not including the operation of a woodworking plant on the premises thereof and the storage on such premises of in excess of one hundred thousand (100,000) board feet of lumber, shall be three hundred (\$300.00) dollars in advance annually.

(Ord. 1976 c. 11; Ord. 1981 c. 22; Ord. 1985 c. 4 § 17)

26. *Building Moving Permit.** The fees of the Building Commissioner for receiving an application for a permit under s. 113 of the Commonwealth of Massachusetts Building Code to move a building or structure shall be a primary fee of fifty (\$50.00) dollars and an additional fee of ten (\$10.00) dollars for each five thousand (5,000) cubic feet in the building as measured by the outer side of the outside walls, the exterior of the roof, and the top of the foundation walls.

(Ord. 1976 c. 11)

27. *Building Permit.* The fee of the Commissioner of Inspectional Services for receiving an application for a permit under s. 113 of the Commonwealth of Massachusetts State Building Code to construct, reconstruct, alter, or repair a building or structure shall be a fee of seven (\$7.00) dollars for each thousand (\$1,000.00) dollars of the first one hundred thousand (\$100,000.00) dollars of the fair cost of the work to be authorized by such permit as determined by said Commissioner; and ten (\$10.00) dollars for each thousand (\$1,000.00) dollars of such cost in excess of one hundred thousand (\$100,000.00) dollars, as determined by said Commissioner. If an applicant is unsure that building construction, reconstruction, alteration, or repair will actually be undertaken pending decision of the Board of Appeals, then he or she may make a deposit of one-third (1/3) of the cost of a building permit or three hundred (\$300.00) dollars, whichever is less, in return for which the said Commissioner shall receive an application for a building permit. If the applicant subsequently begins construction within six (6) months of obtaining such decision, the amount of the deposit shall be applied to the cost of the building permit. If the applicant does not begin construction within such time, the deposit shall not be refunded. The fees of the said Commissioner for receiving an application for an amendment of a permit shall be a primary fee of thirty (\$30.00) dollars and an additional fee of ten (\$10.00) dollars for each one thousand (\$1,000.00) dollars of the fair cost of the additional work to be authorized by such amendment as determined by said Commissioner; provided, however, that there shall be no primary fee for receiving an application for an amendment wholly required by the said Commissioner. The fees of said Commissioner for receiving an application for a permit under s. 113 of the Commonwealth of Massachusetts State Building Code for minor alterations not involving vital structural changes, or for such a permit to erect, enlarge, alter,

***Editor's Note:** The Building Department and the Housing Inspection Department were abolished and all powers and duties transferred to the Inspectional Services Department by Ch. 19 of the Ordinances of 1981 (Section 9-9 of this Code).

repair, remove, or demolish one or more signs, permanent awnings, marquees, or other projections or fire escapes, balconies, or other like structures with or without alterations as aforesaid, shall be a primary fee of seven (\$7.00) dollars plus an additional fee of ten (\$10.00) dollars for each one thousand (\$1,000.00) dollars of the fair cost of the work to be authorized by said Commissioner. The fees of said Commissioner for issuing under s. 114.8 of the State Building code a special permit for the foundations of a building shall be a primary fee of one hundred (\$100.00) dollars and an additional fee of ten (\$10.00) dollars for each one thousand (1,000) cubic yards or fraction thereof in excess of ten thousand (10,000) cubic yards of excavation.

(Ord. 1976 c. 11; Ord. 1981 c. 28)

28. *Building Plans, Examination Of.* The fee of the Chief of the Fire Department for the examination of building plans as required by the State Building Code shall be fifty (\$50.00) dollars; plus five (\$5.00) dollars for each page over fifteen (15) pages. The fee for preliminary examination of building plans shall be one-half ($\frac{1}{2}$) of the foregoing.

(Ord. 1976 c. 11; Ord. 1981 c. 22; Ord. 1985 c. 4 § 15)

29. *Building Use or Occupancy, Permit to Change.* The fee of the Commissioner of Inspectional Services for receiving an application for a permit under s. 113 of the Commonwealth of Massachusetts State Building Code to change the use or occupancy of a building or structure shall be fifty (\$50.00) dollars.

(Ord. 1976 c. 11; Ord. 1981 c. 28)

30. *Business Name, Certificate or Statement Relative To.* The fee of the City Clerk for receiving, filing, and indexing a certificate presented under Section 5 of Chapter 110 of the General Laws shall be twelve dollars and fifty (\$12.50) cents and for receiving, filing, and indexing a statement presented under said Section 5 and issuing a certified copy thereof shall be ten (\$10.00) dollars.

(Ord. 1976 c. 11; Ord. 1981 c. 13; Ord. 1985 c. 4 § 18)

31. *Business Name, Certified Copy of Certificate or Certificate or Statement Relative To.* The fee of the City Clerk for furnishing a certified copy of a certificate or statement filed under Section 5 of Chapter 110 of the General Laws other than the copy issued at the time of the filing shall be five (\$5.00) dollars.

(Ord. 1976 c. 11; Ord. 1981 c. 13)

18-1.3 "C" Fees and Licenses.

1. *Canine Guards, Registration of Establishment Protected By.* The fee to be paid to the Chief of the Fire Department by any person having control of a mercantile, commercial or industrial establishment protected by canine guards, and required so to notify said Chief by Section 28B of Chapter 148 of the General Laws, shall be twenty (\$20.00) dollars.

(Ord. 1976 c. 11; Ord. 1981 c. 22)

2. *Carousel License.* The fee for a license granted by the Mayor under Section 186 of Chapter 140 of the General Laws to establish, keep open, and maintain a carousel at a carnival shall be fifteen (\$15.00) dollars for each day on which such a license may be exercised. The fee for a license so granted to establish, keep open, and maintain a carousel other than at a carnival shall be fifty (\$50.00) dollars for each monthly period in which such a license may be exercised, except that in the case of a carousel exclusively for children under age thirteen (13), such fee shall be twenty-five (\$25.00) dollars for each such monthly period.
(Ord. 1976 c. 11)

3. *Caterers, Permit for Out of Town.* The fee for a permit issued by the Board of Health and Hospitals under Subsection 16-1.7 and a registration issued by the Board of Health and Hospitals under the State Sanitary Code to a caterer whose establishment is not located within the City and is, therefore, not licensed by the Board of Health and Hospitals, but who conducts business within the City shall be, collectively:

(a) Ten (\$10.00) dollars for each function catered within the City for groups of less than two hundred (200) people; and

(b) Twenty-five (\$25.00) dollars for each function catered within the City for groups of more than two hundred (200) people.
(Ord. 1981 c. 34)

4. *Catering Establishment, Permit For.* The fee for a permit granted by the Board of Health and Hospitals under the State Sanitary Code for the operation of a catering establishment shall be three hundred twenty-five (\$325.00) dollars.
(Ord. 1976 c. 11; Ord. 1981 c. 34)

5. *Cemetery, Permit For.* The fee for a permit granted by the Mayor and City Council under Section 34 of Chapter 114 of the General Laws to use land for burial purposes shall be five hundred (\$500.00) dollars.
(Ord. 1976 c. 11; Ord. 1982 c. 3)

6. *Cemetery Grave Opening Charges.* The charge to be paid to the Cemetery Division of the Parks and Recreation Department for opening grave for an interment or removal between the hours of 8:00 a.m. and 3:00 p.m., hereinafter called regular cemetery hours, on any day other than Saturday, Sunday, or legal holiday, shall be two hundred twenty-five (\$225.00) dollars; and the charge to be paid as aforesaid for opening a grave for an interment or removal during regular cemetery hours, on a Saturday, shall be two hundred seventy-five (\$275.00) dollars, and the charge to be paid as aforesaid for opening a grave for an interment or removal during regular cemetery hours on a legal holiday shall be three hundred (\$300.00) dollars; provided that the charge to be paid aforesaid for opening a grave for an interment or removal of the remains of an infant dying before attaining the age of six (6) months, during regular cemetery hours, shall be fifty (\$50.00) dollars, and the charge for opening a grave for an interment or removal of

the cremated remains of any deceased person, during regular cemetery hours, shall be thirty-five (\$35.00) dollars; and the charge for opening a grave for an interment of the remains of a poor and indigent person, during regular cemetery hours, shall be one hundred twenty-five (\$125.00) dollars; and in the case of an opening of a grave for any interment or removal during hours, other than regular cemetery hours, an additional charge of fifty (\$50.00) dollars shall be made. The charge to be paid as aforesaid for raising from an open grave and handling the remains of a deceased person shall be fifty (\$50.00) dollars; and for transporting such remains from one grave to another within the same cemetery, an additional fifty (\$50.00) dollars; except that the charge to be so paid for raising from an open grave and handling the remains of an infant dying before attaining the age of six (6) months or the cremated remains of any deceased person shall be twenty (\$20.00) dollars; and for transporting such remains from one grave to another within the same cemetery, an additional twenty (\$20.00) dollars; provided no charge shall be made for the initial interment of a sworn member of the police or fire departments of the City who dies in the line of duty.

(Ord. 1976 c. 11; Ord. 1981 c. 31)

7. *Cemetery Monument Foundation Charge.* The charge to be paid to the Cemetery Division of the Parks and Recreation Department for constructing a foundation for a headstone or monument shall be twenty-five (\$25.00) dollars for each full square foot of surface area and ten (\$10.00) dollars for each additional quarter of a square foot or fraction thereof.

(Ord. 1976 c. 11)

8. *Cemetery, Recording of Deed to Grave or Lot In.* The fee of the Parks and Recreation Commission for recording as agent of the City Clerk under Section 51 of Chapter 550 of the Acts of 1948 a deed to a grave or lot in any cemetery belonging to the City shall be five (\$5.00) dollars, provided, that there shall be no fee for so recording a deed of the City executed under Subsection 7-5.3.

(Ord. 1976 c. 11)

9. *Cesspool, Permit for Emptying Of.* The fee for a permit to empty a cesspool, vault or privy granted by the Board of Health and Hospitals under Subsection 16-1.23 shall be seventy-two (\$72.00) dollars per year.

(Ord. 1976 c. 11; Ord. 1981 c. 34)

10. *Chemicals, Permit to Handle and Store Hazardous.* The fee for an annual permit granted by the Chief of the Fire Department under Section 20.03 of the Boston Fire Prevention Code to handle and store corrosive liquids, oxidizing materials, or poisonous gas shall be a primary fee of twenty-five (\$25.00) dollars and an additional fee equal, in the case of fluids, to eight (\$8.00) dollars for each thousand (1,000) of the first ten thousand (10,000) gallons thereof; five (\$5.00) dollars for each thousand (1,000) of the next ninety thousand (90,000) gallons thereof; five (\$5.00) dollars for each ten thousand (10,000) gallons of the next four

million nine hundred thousand (4,900,000) gallons thereof; five (\$5.00) dollars for each one hundred thousand (100,000) gallons in excess of five million (5,000,000) gallons; and in the case of solids, to five (\$5.00) dollars for each ten thousand (10,000) of the first one hundred thousand (100,000) pounds thereof; five (\$5.00) dollars for each one hundred thousand (100,000) of the next forty-nine million (49,000,000) pounds thereof; and five (\$5.00) dollars for each million (1,000,000) pounds thereof in excess of fifty million (50,000,000) pounds; and in the case of gases, to six (\$6.00) dollars for each hundred (100) of the first ten hundred (1,000) cubic feet thereof; four (\$4.00) dollars for each thousand (1,000) of the next four hundred ninety-nine thousand (499,000) cubic feet thereof; and four (\$4.00) dollars for each ten thousand (10,000) cubic feet thereof in excess of five hundred thousand (500,000) cubic feet. The fee for a permit granted as aforesaid for any period other than a year shall be, for each calendar month in which such permit may be exercised, one-twelfth (1/12) of the fee for an annual permit. (Ord. 1976 c. 11; Ord. 1985 c. 4 § 19)

11. *Chiropodist's Certificate.* The fee of the City Clerk for recording under Section 21 of Chapter 112 of the General Laws the name and address of a registered chiropodist and the date and number of his certificate shall be ten (\$10.00) dollars. (Ord. 1976 c. 11; Ord. 1981 c. 13)

12. *Church Records, Certified Copies Of.* The fee of the City Clerk, and of the City Registrar, for furnishing a certified copy of any record or registry in his custody under Section 16 of Chapter 66 of the General Laws shall be four (\$4.00) dollars for each page or part thereof. (Ord. 1976 c. 11; Ord. 1981 c. 14)

13. *City Clerk for Notarizing of Documents.* The fee of the City Clerk, or any employee while in the office thereof, for notarizing a document or paper, except for those documents or papers which relate to official City business, shall be two dollars and fifty (\$2.50) cents. (New; Ord. 1981 c. 13)

14. *City Clerk, Recording of Instruments By.* The fee of the City Clerk for recording an instrument or paper shall, except as otherwise expressly provided by this section, be two (\$2.00) dollars for each page or part thereof, provided that the minimum charge shall be five (\$5.00) dollars. (Ord. 1976 c. 11; Ord. 1981 c. 13)

15. *Claims.* The fee of the City Clerk for receiving and indexing a claim against the City (excepting claims of indemnification for municipal employees and retired municipal employees) or, for filing a demand for compensation upon the Mayor, shall be five (\$5.00) dollars; provided, however, that in the event a decision is rendered on behalf of the claimant, the cost of said fee shall be made part of the

compensation awarded as a result thereof; and provided further that an otherwise adequate notice shall not be deemed untimely if unaccompanied by said fee.

(New; Ord. 1981 c. 13)

16. *Closing Out Sales.* The fee of the City Clerk for receiving and filing an inventory, bond, and statement under Section 28A of Chapter 93 of the General Laws for a sale with any such designation as is set forth in said Section 28A shall be twenty-five (\$25.00) dollars.

(Ord. 1976 c. 11; Ord. 1981 c. 13)

17. *Club License.* The fee for a license granted by the licensing board under Section 21E of Chapter 140 of the General Laws to a club, society, association or other organization to dispense food and beverages to be consumed on the premises shall be one hundred (\$100.00) dollars.

(Ord. 1976 c. 11; Ord. 1981 c. 35)

18. *Combustible Metals, Permit to Process.* The fee for an annual permit granted by the head of the Fire Department under Section 6.02 of the Boston Fire Prevention Code to melt, cast, heat treat, machine and grind more than ten (10) pounds of, but not limited to, aluminum, iron, magnesium, titanium, zinc, and zirconium per working day or to do any one or more said things shall be three hundred (\$300.00) dollars per year in which such permit may be exercised.

(Ord. 1985 c. 4 § 20)

19. *Commercial Code.* See Financing Statement under "Uniform Commercial Code."

20. *Commissions of Constables.* The fee of the City Clerk for issuing the commission of a constable shall be one hundred (\$100.00) dollars.

(Ord. 1976 c. 11; Ord. 1981 c. 13; Ord. 1985 c. 4 § 21)

21. *Commissions of Weighers, Etc.* The fee of the City Clerk for issuing the commission of a Weigher, Measurer, or Surveyor appointed under Section 85 of Chapter 41 of the General Laws, or of a Public Weigher of Fish appointed under Section 89 of said Chapter 41, or of a Weigher of Beef appointed under Section 140 of Chapter 94 of the General Laws, or of a Weigher of Grain appointed under Section 219 of said Chapter 94, or of a Weigher of Hay appointed under Section 236 of said Chapter 94, or of a Weigher of Coal appointed under Section 238 of said Chapter 94, or of an Inspector of Lime appointed under Section 262 of said Chapter 94, or of a Measurer of Wood and Bark provided for by Section 296 of said Chapter 94, or of a Measurer of Leather appointed under Section 1 of Chapter 95 of the General Laws, or of a Weigher of Vessels appointed under Section 6 of Chapter 102 of the General Laws shall be twenty-five (\$25.00) dollars.

(Ord 1976 c. 11; Ord. 1981 c. 13)

22. *Common Victualler's License.* The fee for a Common Victualler's License granted by the Licensing Board under Section 2 of Chapter 140 of the General Laws shall, effective July 1, 1982, be a primary fee of sixty (\$60.00) dollars annually, plus an additional fee of one (\$1.00) dollar per annum, per seat, or place for the accommodation of patrons; provided, however, that no establishment shall pay more than five hundred (\$500.00) dollars per annum in additional fees. The primary fee for any such license granted after January thirty-first in any year shall be, for each calendar month in which such license may be exercised, one-twelfth (1/12) of the primary fee for an annual permit. In the case of an establishment which prepares on-premises food or drink for on premises consumption, if as sold, such food or drink is ready for take-out, there shall be a minimum fee of one hundred seventy (\$170.00) dollars; provided, however, that establishments which sell exclusively ice cream products shall be subject to the primary fee and additional fee of one (\$1.00) dollar per seat, or place, for accommodation of patrons. Any fee received in 1982 which exceeds the amounts due when prorated and calculated for the period commencing July 1, 1982, shall be abated and applied as credit toward subsequent fee renewals or shall be returned to licensees, provided that claim for same is filed with the licensing board of the City of Boston prior to January 1, 1983.

(Ord. 1976 c. 11; Ord. 1977 c. 1, c. 9; Ord. 1981 c. 35; Ord. 1982 c. 27)

23. *Community Antenna Television System.* The annual fee for a license granted by the Mayor of the City of Boston under Chapter 166A of the General Laws to construct, install, operate and maintain a cable television system in the public ways and places of the City of Boston shall be three (3%) percent of the annual gross revenue of the licensee. "Gross Revenue" shall be defined under such license. The fee shall be payable as established under such license.

(Ord. 1982 c. 35)

24. *Constable Training Course Fee.* The fee for the Constable Training Course shall be set by the Mayor and shall not exceed one hundred (\$100.00) dollars.

(Ord. 1982 c. 9; Ord. 1985 c. 4 § 22)

25. *Copies of Duplicates of Licenses and Permits.* Except as otherwise expressly provided by ordinance or statute, the fee for a certified copy or duplicate of any license or permit shall be five (\$5.00) dollars.

(Ord. 1976 c. 11; Ord. 1981 c. 13)

26. *Cows, Permit to Keep.* The fee for an annual permit from the Board of Health and Hospitals to keep cows, whether granted under Subsection 16-1.13 or under a regulation made by such Commissioner under Section 31 of Chapter 111 of the General Laws, shall be twenty-five (\$25.00) dollars for each cow.

(Ord. 1976 c. 11)

18-1.4 "D" Fees and Charges.

1. *Dancing School License.* The fee for a dancing school license granted by the Mayor under Section 185H of Chapter 140 of the General Laws shall be one hundred (\$100.00) dollars except that in the case of a dancing school exclusively for children under eighteen (18) such fee shall be twenty-five (\$25.00) dollars.

(Ord. 1976 c. 11)

2. *Day Care Agencies.* The fee for a license to conduct an agency giving day care to children granted by the Board of Health and Hospitals under Section 59 of Chapter 111 of the General Laws shall be five (\$5.00) dollars.

(Ord. 1976 c. 11)

3. *Deaths.* See "Births, Marriages, and Deaths."

4. *Decorations, Furnishing and Interior Finish, Test For.* The charge to be paid for a determination by the testing laboratory in the Fire Department of the flammability of a sample of decorative material required by lawful rules of the head of said department to have a letter of approval before use in a public building or place of assembly shall be ten (\$10.00) dollars. If on site inspection is required the fee shall be fifty (\$50.00) dollars.

(Ord. 1976 c. 11; Ord. 1981 c. 22; Ord. 1985 c. 4 § 24)

5. *Directional Sign.** The charge to be paid for the erection by the Commissioner of Traffic and Parking of a directional sign upon the request of a charitable, religious, educational, literary, recreational, social, civic, or veterans' organization or of a hospital shall be one hundred fifty (\$150.00) dollars which shall include maintenance for five (5) years.

(Ord. 1976 c. 11; Ord. 1981 c. 33; Ord. 1985 c. 4 § 23)

6. *Dog License.* The fee for a dog license issued by the Police Commissioner under Section 147 of Chapter 140 of the General Laws shall be, in the case of a male dog or of a spayed female dog for which the certificate required by Section 139 of said Chapter 140 has been filed with the City Clerk; four (\$4.00) dollars; and in the case of any other female dog, fifteen (\$15.00) dollars; except that a dog license shall be issued without charge in the case of a dog specially trained to lead or serve a blind person if the Division of the Blind of the Commonwealth certifies that such dog is so trained and actually in the service of a blind person.

(Ord. 1976 c. 11)

7. *Dog License, Change in Record Of.* The fee of the Police Commissioner for changing under Section 138 of Chapter 140 of the General Laws the record of a dog license to show the name and address of a new owner or keeper shall be one (\$1.00) dollar.

(Ord. 1976 c. 11)

***Editor's Note:** The powers and duties of the Traffic and Parking Commission, the Traffic and Parking Commissioner and the Traffic and Parking Department were assumed by the Transportation Commission, the Transportation Commissioner and the Transportation Department respectively under the provisions of s. 20 of Ch. 608 of the Acts of 1986.

8. *Dogs, Spayed Female.* The fee of the City Clerk for receiving and filing under Section 139 of Chapter 140 of the General Laws a certificate or statement that a female dog has been spayed and thereby deprived of the power of propagation shall be one dollar and fifty (\$1.50) cents.

(Ord. 1976 c. 11)

9. *Dog Tag, Substitute.* The fee for a substitute dog tag furnished by the Police Commissioner under Section 137 of Chapter 140 of the General Laws shall be fifty (\$.50) cents.

(Ord. 1976 c. 11)

10. *Dog Transfer License.* The fee for a dog transfer license granted by the Police Commissioner under Section 146 of Chapter 140 of the General Laws shall be one (\$1.00) dollar.

(Ord. 1976 c. 11)

11. *Dry-Cleaning and Dry-Dyeing Plant Permit.* The fee for a permit granted by the Chief of the Fire Department under paragraph (c) of Section 16.03 of the Boston Fire Prevention Code to operate a dry-cleaning or dry-dyeing plant shall be three hundred (\$300.00) dollars annually.

(Ord. 1976 c. 11; Ord. 1981 c. 22; Ord. 1985 c. 4 § 25)

12. *Dump, Assignment of Place For.* The fee for the assignment by the Board of Health and Hospitals under Section 150A of Chapter 111 of the General Laws of a place as a dumping ground for garbage, rubbish, or other refuse shall be five hundred (\$500.00) dollars.

(Ord. 1976 c. 11; Ord. 1981 c. 34)

13. *Dump Permit.* The fee for an annual permit granted by the Board of Health and Hospitals to deposit or dump refuse or noxious or decaying liquid or solid matter or house dirt, house offal, or other house refuse matter, whether granted under subsection 16-1.16 or subsection 16-1.20, or both, of these ordinances, shall be four hundred (\$400.00) dollars.

(Ord. 1976 c. 11; Ord. 1981 c. 34)

14. *Duplicate Receipt.* The charge to be paid for the issuance by any Board or Officer of the City of a duplicate receipt for any payment shall be one (\$1.00) dollar.

(Ord. 1976 c. 11; Ord. 1981 c. 13)

18-1.5 "E" Fees and Charges.

1. *Eggs, License to Break and Can.* The fee for an annual license granted by the Board of Health and Hospitals under Section 89 of Chapter 94 of the General Laws to carry on an establishment for the breaking and canning of eggs shall be one hundred (\$100.00) dollars.

(Ord. 1976 c. 11)

2. *Electrical Wiring and Fixtures, Written Notice of Approval and Disapproval of Installation or Repair of.** The fee of the Building Commissioner for giving under Section 3L of Chapter 143 of the General Laws written notice of his approval or disapproval of the installation or repair of electrical wiring or fixtures shall be ten (\$10.00) dollars or, if greater, the fee resulting from the application of the following:

(a) *Meter Loop.* For each meter loop approved or disapproved, five (\$5.00) dollars.

(b) *Service.* For each service approved or disapproved, if rated over 240 volts, seventy-five (\$.75) cents for each ampere of the ampacity of such service at its connection with the electricity supply system; and for each service approved or disapproved, if rated 240 volts or less, twenty-five (\$.25) cents for each ampere of the ampacity of such service at its connection with the electricity supply system.

(c) In cases in which only outlets, fixtures and/or receptacles are being installed or replaced, there shall be a primary fee of ten (\$10.00) dollars plus an additional fee of one (\$1.00) dollar per each outlet, fixture, and/or receptacle replaced or installed. This fee shall not exceed the amount which would have been computed under (b).

(d) All fee computations shall be based on the Nominal Voltages 550, 480, 240, 208, 115, etc.

(e) When an installation involves specialized equipment and the above fees are not applicable then the fee shall be computed as outlined in Subsection 18-1.2 (27), of this section. (Building Permit).

The fee of the Commissioner of Inspectional Services for receiving an application for a special annual permit to maintain electrical systems shall be three hundred (\$300.00) dollars. Holders of such a maintenance permit shall be required to maintain accurate and up-to-date logs of all work performed, which shall be available for inspection without notice by inspectors during normal business hours. The fee for giving under said Section 3L written notice of his approval or disapproval of an installation to remain in place for one hundred and eighty (180) days or less, shall be, in the case of television lighting, fifty (\$50.00) dollars for each twenty-four (24) hour period during the whole or any part of which such installation is to remain in place; and in every other case, a primary fee of twenty-five (\$25.00) dollars and an additional fee of ten (\$10.00) dollars for each thirty (30) day period during the whole or any part of which such installation is to remain in place.

(Ord. 1976 c. 11; Ord. 1981 c. 28)

***Editor's Note:** The Building Department and the Housing Inspection Department were abolished and all powers and duties transferred to the Inspectional Services Department by Ch. 19 of the Ordinances of 1981 (Section 9-9 of this Code).

3. *Electrologist's License.* The fee of the City Clerk for recording under Section 87hhh of Chapter 112 of the General Laws a license to practice electrolysis or for issuing thereunder a certified copy of such a license or for receiving and filing thereunder such a certified copy shall be ten (\$10.00) dollars.
(Ord. 1976 c. 11; Ord. 1981 c. 13)

4. *Elevator or Moving Stairway Inspection.* The fee for inspecting and testing under Section 64 of Chapter 143 of the General Laws an elevator as defined in Section 62 of said Chapter 143, shall be a primary fee of thirty-five (\$35.00) dollars for each elevator to be inspected and tested, plus an additional fee of one (\$1.00) dollar for each floor serviced, except that in cases where, at the request of the owner or person in control of the premises where an elevator is located, such inspection and testing is done at a time other than when the office of the Commissioner of Inspectional Services is open for transaction of public business, the total fee for inspection and testing shall be increased by fifty (50%) percent. The fee for the inspection and testing of moving stairways shall be thirty-five (\$35.00) dollars for each moving stairway. The fee for the inspection and testing of a dumbwaiter (continuous chain type) shall be a primary fee of twenty-five (\$25.00) dollars plus an additional fee of one (\$1.00) dollar for each floor serviced by said dumbwaiter in excess of five (5) floors. The fee for the inspection and testing, conducted at six (6) month intervals, of auto lifts in parking garages and lots shall be twenty-five (\$25.00) dollars for each lift. The fee for an annual inspection of a chair lift or a wheelchair lift shall be thirty-five (\$35.00) dollars; provided, however, that, in cases in which a chair lift or a wheelchair lift is located within a private residence, such an inspection of a chair lift or a wheelchair lift shall be conducted only at the request of the owner. The fee for a safety test and inspection, conducted at six (6) month intervals, of temporary construction elevators shall be the same as the fee for the inspection and testing of any other elevator. There shall be a fee of ten (\$10.00) dollars for the testing of a temporary construction elevator when a jump lift occurs.
(Ord. 1976 c. 11; Ord. 1981 c. 28)

5. *Elevator or Moving Stairway Installation, Alteration, or Repair Permit.* The fee for receiving an application for a permit under Section 113 of the Commonwealth of Massachusetts State Building Code to install, alter, or repair one or more elevators shall be a primary of seventy (\$70.00) dollars per elevator installed, altered, or repaired, plus an additional fee of two (\$2.00) dollars for each floor serviced by each elevator; provided, that the fee for each builder's hoist shall be seventy-five (\$75.00) dollars; and provided, that the fee for each dumbwaiter shall be a primary fee of fifty (\$50.00) dollars plus an additional fee of two (\$2.00) dollars per each floor serviced in excess of five (5) floors; and provided, that the fee for each auto lift in any parking facility shall be twenty-five (\$25.00) dollars per level serviced; and provided, that the fee for each chair lift or wheelchair lift shall be thirty-five (\$35.00) dollars; and provided, further, that the fee for each moving

stairway shall be seventy-five (\$75.00) dollars. The fee for the installation, alteration, or repair of a temporary construction elevator shall be the same as the fee for any other elevator, except that, when such an elevator is extended to additional floors, only ten (\$10.00) dollars plus the fee for the number of additional floors serviced shall be charged.

(Ord. 1976 c. 11; Ord. 1981 c. 28)

6. *Entertainment License.* The fees for a seven (7) day license issued by the Licensing Board under Section 183A of Chapter 140 of the General Laws shall be as follows:

(a) The fee for a jukebox, television, radio, and music provided by electrical or mechanical means shall be one hundred twenty (\$120.00) dollars;

(b) The fee for live musical entertainment not exceeding three (3) instrumentalists shall be four hundred (\$400.00) dollars and shall include the prior category;

(c) The fee for live musical entertainment exceeding three (3) instrumentalists and/or including dancing by patrons shall be eight hundred (\$800.00) dollars in an establishment with a maximum allowable capacity of five hundred (500) persons, and one thousand two hundred (\$1200.00) dollars in an establishment with a maximum allowable capacity of over five hundred (500) to two thousand (2,000) persons, and two thousand (\$2000.00) dollars in an establishment with a maximum allowable capacity of over two thousand (2,000) persons, and said fees shall include the prior categories;

(d) The fee for a floor show, including any type of live performance other than those specifically named in this subsection, shall be one thousand two hundred (\$1200.00) dollars in an establishment with a maximum allowable capacity of five hundred (500) persons, and one thousand six hundred (\$1600.00) dollars in an establishment with a maximum allowable capacity of over five hundred (500) to two thousand (2,000) persons, and two thousand (\$2000.00) dollars in an establishment with a maximum allowable capacity of over two thousand (2000) persons, and said fees shall include the prior categories;

(e) The fee for a widescreen television larger than twenty-five (25") inches on the diagonal shall be one hundred eighty (\$180.00) dollars;

(f) The fee for a cassette-operated television shall be one hundred eighty (\$180.00) dollars but shall be waived if payment is made under the prior category;

(g) The fee for an exhibition or trade show shall be two hundred fifty (\$250.00) dollars in an establishment with a maximum allowable capacity of five hundred (500) persons, and one thousand five hundred (\$1500.00) dollars in an establishment with a maximum allowable capacity over five hundred (500) persons;

(h) The fee for a professional athletic or sporting events license shall be eight hundred (\$800.00) dollars;

(i) The fee for a non-professional athletic or sporting events license shall be two hundred (\$200.00) dollars;

(j) The fees for entertainment which is individually controlled by a patron including entertainment provided by a coin-controlled apparatus shall be as follows: where the entertainment is provided by automatic amusement devices, as defined in Section 177A of Chapter 140 of the General Laws, the fee shall be sixty (\$60.00) dollars for six (6) to twelve (12) devices, and one hundred twenty (\$120.00) dollars for thirteen (13) to twenty (20) devices, and three hundred (\$300.00) dollars for over twenty (20) devices, provided, however, that all such devices must be licensed and must pay all licensing fees pursuant to subsection 18-1.1 (23); where the entertainment is provided by means of any other type of device or apparatus, the fee shall be one hundred fifty (\$150.00) dollars per device or apparatus;

(k) The fee for a theatre offering to view motion pictures or live performances shall be no less than one hundred (\$100.00) dollars nor more than two thousand (\$2000.00) dollars, as deemed reasonable by the licensing board, taking into account the cost of regulating the theatre and all other relevant factors.

With the approval of the issuing authority, such annual fees may be paid quarterly or semi-annually. The fees fixed by this paragraph shall be in addition to any sum payable to the State Commissioner of Public Safety.
(Ord. 1976 c. 11; Ord. 1981 c. 35)

7. *Environment Department, Certificate of Design Approval And/Or Exemption.* The fee for the issuance of a Certificate of Design Approval and/or Exemption by the secretary of the Beacon Hill or Back Bay Architectural Commissions or the Boston Landmarks Commission (including any of its district commissions) or any commission established under Chapter 40C of the General Laws shall be: in the case of minor modifications to the exterior architectural features of a building, including painting, cleaning of masonry, signs (inside windows), masonry repointing, and alteration, repair, or removal of window blinds and shutters, planting boxes and parterres, paving, intercom units, storm windows, lanterns and lighting fixtures, residential window grates, screens, benches, and plaques, ten (\$10.00) dollars; in the case of design changes to the facade of a building, including changes to or installation of doors, windows, fire balconies, exterior signs, roof decks and deck railings, fences and masonry walls, siding materials, roof materials, skylights, solar panels, ramps, chimneys and stove flues, residential vents, heat pumps and other non-portable air conditioning units, masonry repair (including parging of steps), twenty-five (\$25.00) dollars; in the case of major alterations to the exterior design or form of the buildings, including

replacement masonry front steps, headhouses for elevators or stairwells, new storefronts, yard excavations, commercial exhaust vents, new or raised dormers, new window and door openings, new terraces, and demolition, changes, or addition of floor area, fifty (\$50.00) dollars; in the case of major construction, including new building, infill structures, or major development projects, one hundred fifty (\$150.00) dollars. In cases where the cost of new construction or major exterior changes exceed five hundred thousand (\$500,000.00) dollars, the fee shall be one-half ($\frac{1}{2}$) of one (1%) percent of the fair cost of the work, provided, however, that in no case shall the fee be more than five thousand (\$5,000.00) dollars; in special cases of demolition or removal of unsafe or unsightly architectural elements, or in cases of hardship, the commissions or their designees may waive or reduce the fee; and in cases of Certificate of Design Approval for work on a designated interior space not requiring a building permit from the Inspectional Services Department, ten (\$10.00) dollars, and in all other cases twenty-five (\$25.00) dollars.

There shall be no fee for an application for a Certificate of Exemption.
(Ord. 1985 c. 4)

8. *Environment Department, Order of Conditions.* The fee for an application for an order of conditions with the secretary of the Conservation Commission for the use or development of lands or waters under the control and jurisdiction of the Conservation Commission under Section 8c of Chapter 40 of the General Laws shall be in accordance with the following schedule: for projects with a fair cost of one thousand (\$1,000.00) dollars or less, twenty-five (\$25.00) dollars; and for projects with a fair cost of more than one thousand (\$1,000.00) dollars but not more than fifty thousand (\$50,000.00) dollars, fifty (\$50.00) dollars; and for projects with a fair cost of more than fifty thousand (\$50,000.00) dollars but not more than one hundred thousand (\$100,000.00) dollars, seventy-five (\$75.00) dollars; and for projects with a fair cost of more than one hundred thousand (\$100,000.00) dollars, .075% of the fair cost provided, however, that in no case shall the fee be more than one thousand five hundred (\$1,500.00) dollars.
(Ord. 1985 c. 4)

9. *Explosives.* See Flammable and/or Explosive Materials.

18-1.6 "F" Fees and Charges.

1. *Federal Tax Lien.* The fee of the City Clerk for filing under Section 39B of Chapter 255 of the General Laws a notice of a Federal Tax lien, or a certificate of the discharge of such a lien, or a certificate releasing specific property from such a lien, shall be ten (\$10.00) dollars.
(Ord. 1976 c. 11; Ord. 1981 c. 13)

2. *Fee for Permit When Work Begun Without Required Permit.* The fee of the Commissioner of Inspectional Services under any ordinance, statute, or other provision of law administered by the Department of Inspectional Services shall be, in cases in which the applicant has begun work before acquiring the necessary

permit or permits, or has begun to use or occupy or change the use of occupancy of a building or structure without the required permit or certificate of inspection, double the amount which would otherwise be charged for such permit or permits or certificate of inspection.

(Ord. 1981 c. 28)

3. *Feed Mill, Permit to Operate.* The fee for a permit granted by the Chief of the Fire Department under Section 6.02 of the Boston Fire Prevention Code to operate a feed mill shall be twenty-five (\$25.00) dollars for each calendar month in which such permit may be exercised.

(Ord. 1976 c. 11; Ord. 1981 c. 22)

4. *Fence Viewers, Assignment By.* The fee of the City Clerk for recording and assignment by fence viewers under Section 6 of Chapter 49 of the General Laws shall be ten (\$10.00) dollars.

(Ord. 1976 c. 11)

5. *Ferris Wheel License.* The fee for a license granted by the Mayor under Section 186 of Chapter 140 of the General Laws to establish, keep open, and maintain a ferris wheel at a carnival shall be fifteen (\$15.00) dollars for each day on which such license may be exercised. The fee for a license so granted to establish, keep open, and maintain a ferris wheel other than at a carnival shall be fifty (\$50.00) dollars for each monthly period in which such license may be exercised, except that in the case of a ferris wheel exclusively for children under thirteen (13) years of age, such fee shall be twenty-five (\$25.00) dollars for each such monthly period.

(Ord. 1976 c. 11)

6. *Fibers, Permits to Handle and Store Combustible.* The fee for an annual permit granted by the Chief of the Fire Department under Section 5.02 of the Boston Fire Prevention Code to store or handle in excess of one hundred (100) cubic feet of combustible fibers shall be a primary fee of twenty-five (\$25.00) dollars and an additional fee of ten (\$10.00) dollars for each hundred thousand (100,000) cubic feet thereof. The fee for a permit granted as aforesaid for any period other than a year shall be, for each calendar month in which such permit may be exercised, one-twelfth (1/12) of the fee for an annual permit.

(Ord. 1976 c. 11; Ord. 1985 c. 4 § 26)

7. *Financing Statement and Related Documents Under Uniform Commercial Code, Certificate Of.* The fee of the City Clerk for issuing a certificate under Subsection (2) of Section 9-407 of Chapter 106 of the General Laws shall be the same as the fee charged by the Corporation Division of the Secretary of the Commonwealth, presently ten (\$10.00) dollars.

(Ord. 1976 c. 11; Ord. 1981 c. 13)

8. *Financing Statement and Related Documents Under Uniform Commercial Code, Copies Of.* The fee of the City Clerk for furnishing a copy of a financing statement, an assignment or statement of assignment, a continuation statement, a statement of release, or a termination statement filed with him under Part 4 of Article 9 of Chapter 106 of the General Laws shall be a primary fee of three (\$3.00) dollars and in the case of a statement or assignment consisting of more than three (3) pages, an additional fee of one (\$1.00) dollar for the fourth and each succeeding page.

(Ord. 1976 c. 11; Ord. 1981 c. 13)

9. *Financing Statement Under Uniform Commercial Code.* The fee of the City Clerk for accepting and holding pursuant to Part 4 of Article 9 of Chapter 106 of the General Laws a financing statement (including a financing statement disclosing an assignment in accordance with Subsection (1) of Section 9-405 of said Chapter 106), marking and indexing the same under Subsection (4) of Section 9-403 of said Chapter 106, and, if requested, making notations on and sending or delivering a copy thereof in accordance with Subsection (1) of Section 9-407 of said Chapter 106 shall be the same as the fee charged by the Corporation Division of the Secretary of the Commonwealth, presently ten (\$10.00) dollars.

(Ord. 1976 c. 11; Ord. 1981 c. 13)

10. *Financing Statement Under Uniform Commercial Code, Amendment Of.* The fee of the City Clerk for accepting and holding pursuant to Part 4 of Article 9 of Chapter 106 of the General Laws an amendment of a financing statement or of a continuation statement, marking the same with the day and hour of the filing thereof, noting the same on the index of the financing or continuation statement which it amends, and, if requested, making notation on, and sending or delivering, a copy of such amendment in accordance with Subsection (1) of Section 9-407 of said Chapter 106 shall be the same as the fee charged by the Corporation Division of the Secretary of the Commonwealth, presently ten (\$10.00) dollars.

(Ord. 1976 c. 11; Ord. 1981 c. 13)

11. *Financing Statement Under Uniform Commercial Code, Assignment Of.* The fee of the City Clerk for accepting and holding pursuant to Part 4 of Article 9 of Chapter 106 of the General Laws an assignment, or a statement of assignment, of a financing statement not included in, nor on the face or back of, such financing statement, marking the same with the day and hour of the filing thereof, noting the same on the index of the financing statement to which such assignment or statement thereof relates, and, if requested, making notations on, and sending or delivering, a copy of such assignment or statement thereof in accordance with Subsection (1) of Section 9-407 of said Chapter 106 shall be the same as the fee charged by the Corporation Division of the Secretary of the Commonwealth, presently ten (\$10.00) dollars.

(Ord. 1976 c. 11; Ord. 1981 c. 13)

12. *Financing Statement Under Uniform Commercial Code, Continuation Of.* The fee of the City Clerk for accepting and holding pursuant to Part 4 of Article 9 of Chapter 106 of the General Laws a continuation statement, marking the same with the day and hour of the filing thereof, noting the same on the index of the financing statement which it continues, and, if requested, making notations on, and sending or delivering, a copy of such continuation statement in accordance with Subsection (1) of Section 9-407 of said Chapter 106 shall be the same as the fee charged by the Corporation Division of the Secretary of the Commonwealth, presently ten (\$10.00) dollars.
(Ord. 1976 c. 11; Ord. 1981 c. 13)

13. *Financing Statement Under Uniform Commercial Code, Release of Collateral Under.* The fee of the City Clerk for accepting and holding pursuant to Part 4 of Article 9 of Chapter 106 of the General Laws a statement of release of all or a part of collateral described in a filed financing statement, marking the same with the day and hour of the filing thereof, noting the same on the index of the financing statement to which it relates, and, if requested, making notations on, and sending or delivering, a copy of such statement of release in accordance with Subsection (1) of Section 9-407 of said Chapter 106 shall be the same as the fee charged by the Corporation Division of the Secretary of the Commonwealth, presently ten (\$10.00) dollars.
(Ord. 1976 c. 11; Ord. 1981 c. 13)

14. *Financing Statement Under Uniform Commercial Code, Termination Of.* The fee of the City Clerk for accepting and holding pursuant to Part 4 of Article 9 of Chapter 106 of the General Laws a termination statement, marking it with the day and hour it is filed, noting it on the index of the financing statement to which it relates, removing from the files, marking "terminated," and sending or delivering to the secured party such financing statement and any assignment or statement of assignment or continuation statement or statement of release pertaining thereto, and, if requested, making notations on, and sending or delivering, a copy of such termination statement in accordance with Subsection (1) of Section 9-407 of said Chapter 106 shall be the same as the fee charged by the Corporation Division of the Secretary of the Commonwealth, presently five (\$5.00) dollars.
(Ord. 1976 c. 11; Ord. 1981 c. 13)

15. *Firearm Identification Card.* The fee for the issuance by the Police Commissioner of a Firearm Identification Card under Section 129B of Chapter 140 of the General Laws shall be fifteen (\$15.00) dollars.
(Ord. 1976 c. 11; Ord. 1985 c. 4 § 29)

16. *Firearms, License to Carry or Possess.* The fee for a license to carry firearms in the Commonwealth or to possess therein a machine gun granted by the Police Commissioner under Section 131 of Chapter 140 of the General Laws shall be fifty (\$50.00) dollars, excepting Police Officers and retired Police Officers of the City of Boston who shall be exempt from the requirements of paying said fee.
(Ord. 1976 c. 11, c. 17; Ord. 1979 c. 18; Ord. 1985 c. 4 § 30)

17. *Firearms, License to Sell, Rent, or Lease.* The fee for a license to sell, rent or lease firearms, rifles, shotguns, or machine guns granted by the Police Commissioner under Section 122 of Chapter 140 of the General Laws shall be three hundred (\$300.00) dollars.

(Ord. 1976 c. 11; Ord. 1985 c. 4 § 31)

18. *Firearms, Permit to Purchase, Rent or Lease.* The fee for a permit to purchase, rent, or lease a firearm granted by the Police Commissioner under Section 131A of Chapter 140 of the General Laws shall be fifty (\$50.00) dollars.

(Ord. 1976 c. 11)

19. *Fire Extinguisher Servicer's Certificate of Competency.* The fee of the Assistant Chief in charge of the Fire Prevention Division of the Fire Department for issuing under Article 8 of the Boston Fire Prevention Code a certificate of competency as a fire extinguisher servicer whether original or renewal, shall be twenty-five (\$25.00) dollars.

(Ord. 1976 c. 11; Ord. 1981 c. 22)

20. *Fire Extinguishing System, Permit to Install or Alter.* The fee for a permit granted by the Chief of the Fire Department under Section 14.02 of the Boston Fire Prevention Code to install or alter any part of any fire extinguishing system shall be fifty (\$50.00) dollars.

(Ord. 1985 c. 4 § 27)

21. *Fire Fighting Exhibition License.* The fee for a license granted by the Mayor under Section 186 of Chapter 140 of the General Laws to establish, keep open, and maintain an outdoor exhibition of fire fighting for the amusement of the public shall be twenty-five (\$25.00) dollars for each day on which such license may be exercised.

(Ord. 1976 c. 11)

22. *Fire in Open Air for Burning Leaves, Etc., Permit For.* There shall be no fee for a permit granted by the Fire Commissioner under Chapter 355 of the Acts of 1943 to set, maintain, or increase a fire or fires in the open air if such permit limits all fires thereunder to a single estate and to the burning of leaves, grass, and brush from such estate and restricts each fire thereunder to four (4) square feet in area.

(Ord. 1976 c. 11)

23. *Fire (Large) in Open Air, Permit For.* The fee for a permit by the Fire Commissioner under chapter 355 of the Acts of 1943 to set, maintain, or increase a fire or fires in the open air other than in an incinerator shall, except in the case of a permit coming within paragraph (22) or (25) of this subsection, be twenty-five (\$25.00) dollars for the first monthly period and ten (\$10.00) dollars for each additional monthly period in which it may be exercised; provided, that there shall be no fee for a permit granted as aforesaid to set, maintain, or increase a fire or fires in connection with a patriotic or public celebration.

(Ord. 1976 c. 11)

24. *Fire Report.* The fee for a copy of a fire report issued by the Chief of the Boston Fire Department shall be five (\$5.00) dollars.
(Ord. 1985 c. 4 § 28)

25. *Fire (Small or Torch) in Open Air, Permit For.* The fee for a permit granted by the Fire Commissioner under chapter 355 of the Acts of 1943 to set, maintain or increase in the open air a flame or flames in connection with one or more appliances or devices using or producing flame or a fire or fires not exceeding four (4) square feet in area shall be twenty (\$20.00) dollars for each monthly period in which such permit may be exercised; provided, that if such permit limits such flame or flames or such fire or fires to a single estate, the fee for such permit shall be five (\$5.00) dollars for each said period.
(Ord. 1976 c. 11; Ord. 1981 c. 22)

26. *Fire Suppression System, Permit for Installation, Alteration, or Repair Of.* The fee of the Commissioner of Inspectional Services for receiving an application for a permit under s. 113 of the Commonwealth of Massachusetts State Building Code to install, alter, or repair a sprinkler system or other fire extinguishing apparatus shall be a primary fee of twenty-five (\$25.00) dollars, and an additional fee of one (\$1.00) dollar for each sprinkler head, hose, or chemical extinguishing outlet.
(New; Ord. 1981 c. 28)

27. *Fire Suppression System, Testing and Inspection Of.* The fees of the Inspectional Services Department for the annual testing and inspection of automatic sprinkler systems or other fire extinguishing apparatus under Section 1204.5 of Article 12 of Chapter 11 of the Ordinances of 1969 (Boston Building Code), as amended, shall be a primary fee of twenty-five (\$25.00) dollars and an additional fee of one (\$1.00) dollar for each sprinkler head, hose, or chemical extinguishing outlet.
(New; Ord. 1981 c. 30)

28. *Fireworks Bond.* The fee of the City Clerk for receiving and filing a bond given under Section 40 of Chapter 148 of the General Laws and conditioned upon the payment of any judgment for loss, damage, or injury resulting from the storage or manufacture of fireworks shall be five (\$5.00) dollars.
(Ord. 1976 c. 11)

29. *Fireworks Display Permit.* The fee for a permit granted by the head of the Fire Department under Section 10A of Chapter 148 of the General Laws for a supervised display of fireworks shall be fifty (\$50.00) dollars.
(Ord. 1976 c. 11; Ord. 1981 c. 22)

30. *Fishing License.* The fee for a fishing license issued by the City Clerk under Chapter 131 of the General Laws shall be as prescribed by Section 8 and 8A of said Chapter 131.
(Ord. 1976 c. 11)

31. *Flammable and/or Explosive Materials, Annual Registration of License For.* The fee of the Fire Commissioner for receiving under Section 13 of Chapter 148 of the General Laws a certificate of registration setting forth the name and address of the holder of a license granted under said Section 13 or corresponding provisions of earlier law shall be one-half ($\frac{1}{2}$) of the fee which would have been payable for such license if paragraph 33 of this subsection had then been in force; provided, that where two (2) or more such licenses are held by the same person or persons and relate to one estate owned or occupied by such person or persons, although no two (2) of such licenses relate to the same part of said estate and none of them to the whole of said estate, the fee of the Fire Commissioner for receiving under said Section 13 a certificate of registration setting forth the name and address of the holder of such license granted under said Section 13 to use such estate for the aggregate authorized by such licenses.
(Ord. 1976 c. 11)

32. *Flammable and/or Explosive Materials, Annual Registration of, Unlicensed but Lawful Use of Land For.* The fee of the Fire Commissioner for receiving pursuant to Section 2 of Chapter 394 of the Acts of 1936 from the owner or occupant of a building or other structure lawfully used for any of the purposes specified in Section 13 of Chapter 148 of the General Laws without a license a certificate reciting such use shall be one-half ($\frac{1}{2}$) of the fee which would be payable under paragraph 33 of this subsection for a license granted under said Section 13 for such use.
(Ord. 1976 c. 11)

33. *Flammable and/or Explosive Materials, License For.* The fee for a license granted under Section 13 of Chapter 148 of the General Laws by the Committee on licenses in the Public Safety Commission to use land for the keeping, storage, manufacture, or sale of one or more of the articles named in Section 9 of said Chapter 148 shall be a primary fee of twenty-five (\$25.00) dollars and an additional fee equal, in the case of fluids, to ten (\$10.00) dollars for each thousand of the first ten thousand (10,000) gallons thereof; seven (\$7.00) dollars for each thousand of the next ninety thousand (90,000) gallons thereof; six (\$6.00) dollars for each ten thousand (10,000) of the next four million nine hundred thousand (4,900,000) gallons thereof; and five (\$5.00) dollars for each one hundred thousand (100,000) gallons thereof in excess of five million (5,000,000) gallons and equal, in the case of solids and gases, to eight (\$8.00) dollars for each hundred (100) of the first ten hundred (1000) cubic feet thereof; six (\$6.00) dollars for each thousand (1000) of the next four hundred ninety nine thousand (499,000) cubic feet thereof; and five (\$5.00) dollars for each ten thousand (10,000) cubic feet thereof in excess of five hundred thousand (500,000) cubic feet; provided, that the fee for a license granted as aforesaid which relates exclusively to all or part of an estate owned or occupied by the same person or persons for the whole or a part or parts of which a license or licenses held by such person or persons are in force under said Section 13 shall be a primary fee of twenty-five (\$25.00) dollars and an additional fee equal

to the amount by which the additional fee which would be payable under this paragraph for a license granted under said Section 13 to use such estate for the aggregate authorized by such license would be increased by the inclusion of the new license.

(Ord. 1976 c. 11; Ord. 1981 c. 22; Ord. 1985 c. 4 § 40)

34. *Flammable and/or Explosive Materials, Recording of License For.* The fee of the City Clerk for recording a license granted under Section 13 of Chapter 148 of the General Laws by the Committee on Licenses in the Public Safety Commission shall be two dollars and fifty (\$2.50) cents for each page or part thereof.

(Ord. 1976 c. 11; Ord. 1981 c. 13)

35. *Flammable Materials, Permit For.* The fee for a permit granted by the head of the Fire Department under Section 10A or Section 23 of Chapter 148 of the General Laws solely for the keeping, storage and use of not exceeding one thousand (1,000) gallons of light fuel oil, and also the fee for the keeping, storage and use of not exceeding two thousand (2,000) gallons of liquefied petroleum gas shall be ten (\$10.00) dollars per year, and said fee shall be payable by the assessed owner of the property upon which such material is stored.

(Ord. 1976 c. 11; Ord. 1985 c. 4 § 32)

36. *Flammable Materials, Permit to Spray or Dip Utilizing.* The fee for a permit granted by the Chief of the Fire Department under Section 17.02 of the Boston Fire Prevention Code to spray or dip utilizing flammable or combustible liquids shall be three hundred (\$300.00) dollars annually.

(Ord. 1976 c. 11; Ord. 1981 c. 22; Ord. 1985 c. 4 § 33)

37. *Flashpoint Determination.* The charge to be paid for a determination by the testing laboratory in the Fire Department of the flashpoint of any flammable fluid or solid shall be five (\$5.00) dollars.

(Ord. 1976 c. 11)

38. *Flour Mill, Permit to Operate.* The fee for a permit granted by the Chief of the Fire Department under Section 10.03 of the Boston Fire Prevention Code to operate a flour mill shall be three hundred (\$300.00) dollars annually.

(Ord. 1976 c. 11; Ord. 1985 c. 4 § 35)

39. *Food Service Establishment, Permit For.* The fee for a permit granted by the Board of Health and Hospitals for the operation of a food service establishment under the State Sanitary Code shall be:

(a) For any establishment serving only beverages and in the case of an establishment serving both food and beverages, other than those defined in (b) through (e) below, one (\$1.00) dollar per annum, per seat or place for the accommodation of patrons, provided, however, that no establishment shall pay a fee of less than seventy-five (\$75.00) dollars nor more than five hundred (\$500.00) dollars;

(b) In the case of an establishment which prepares on premises food or beverage for off premises consumption or for consumption on premises, if, as sold, such food or drink is ready for off premises consumption, one hundred (\$100.00) dollars if the gross annual sales volume in the previous calendar year was less than two hundred thousand (\$200,000.00) dollars; two hundred (\$200.00) dollars if the gross annual sales volume was two hundred thousand (\$200,000.00) dollars or more but less than four hundred thousand (\$400,000.00) dollars; three hundred (\$300.00) dollars if the gross annual sales volume was four hundred thousand (\$400,000.00) dollars or more but less than six hundred thousand (\$600,000.00) dollars; four hundred (\$400.00) dollars if the gross annual sales volume was six hundred thousand (\$600,000.00) dollars or more but less than eight hundred thousand (\$800,000.00) dollars; five hundred (\$500.00) dollars if the gross annual sales volume was eight hundred thousand (\$800,000.00) dollars or more but less than one million (\$1,000,000.00) dollars; six hundred (\$600.00) dollars if the gross annual sales volume was one million (\$1,000,000.00) dollars or more but less than two million (\$2,000,000.00) dollars; eight hundred (\$800.00) dollars if the gross annual sales was two million (\$2,000,000.00) dollars or more but less than three million (\$3,000,000.00) dollars; and one thousand (\$1,000.00) dollars if the gross annual sales volume was three million (\$3,000,000.00) dollars or more;

(c) In the case of an establishment operated by or within a hospital, nursing home, rest home, rehabilitation center, halfway house, or other facility providing mental or physical health care on an overnight basis, whether such establishment is operated directly by the facility or by contract or concession, the amount as set forth above for sales to employees, families or patients or clients, or the public, and, in addition, for services to patients or clients, fifty (\$50.00) dollars for the first ten (10) beds or accommodations for patients or clients plus an additional twenty (\$20.00) dollars for every additional fifty (50) beds or accommodations for patients or clients, provided however, that no such establishment shall pay a fee in excess of two hundred (\$200.00) dollars for such services to patients and clients;

(d) In the case of an establishment operated by or within a day care agency or by or within a clinic providing mental and physical health services on an outpatient basis only, fifty (\$50.00) dollars.

(e) In the case of an establishment operated by a religious or charitable organization providing food service programs and/or accommodations exclusively for homeless, destitute, and/or aged persons, ten (\$10.00) dollars. The fee for a food service permit under the methods described above by (a) or (b) shall be determined by one and only one of the said methods.

(Ord. 1976 c. 11; Ord. 1977 c. 1, c. 9, c. 15; Ord. 1981 c. 34)

40. *Fortune Teller's License.* The fee for a fortune teller's license granted by the Licensing Board under Section 185I of Chapter 140 of the General Laws shall be two hundred (\$200.00) dollars.

(Ord. 1976 c. 11; Ord. 1981 c. 35)

41. *Frozen Desserts, License to Manufacture for Sale at Retail.* The fee for a license granted by the Board of Health and Hospitals under Section 65(I) of Chapter 94 of the General Laws to manufacture frozen desserts and frozen dessert mix, or either, for sale at retail shall be sixty-five (\$65.00) dollars for each premises specified in the license.

(Ord. 1976 c. 11; Ord. 1981 c. 34)

42. *Frozen Desserts, License to Manufacture for Sale at Wholesale.* The fee for a license granted by the Board of Health and Hospitals under Section 65(I) of Chapter 94 of the General Laws to manufacture frozen desserts and frozen dessert mix, or either, for sale at wholesale shall be, for the manufacture of not more than twenty-five thousand (25,000) gallons, two hundred twenty-five (\$225.00) dollars; for the manufacture of more than twenty-five thousand (25,000) gallons, but not more than one hundred thousand (100,000) gallons, three hundred (\$300.00) dollars; for the manufacture of more than one hundred thousand (100,000) gallons but not more than two hundred fifty thousand (250,000) gallons, four hundred (\$400.00) dollars; for the manufacture of more than two hundred fifty thousand (250,000) gallons, but not more than five hundred thousand (500,000) gallons, five hundred (\$500.00) dollars; and for the manufacture of more than five hundred thousand (500,000) gallons, six hundred (\$600.00) dollars.

(Ord. 1976 c. 11; Ord. 1981 c. 34)

43. *Frozen Desserts, Permit to Have for Sale.* The fee for a permit to have frozen desserts and frozen dessert mix, or either, in custody or possession with intent to sell or to expose for sale or to deliver in the City granted by the Board of Health and Hospitals under regulation made by such Board under Section 65(Q) of Chapter 94 of the General Laws shall be ten (\$10.00) dollars.

(Ord. 1976 c. 11, c. 12; Ord. 1977 c. 9; Ord. 1981 c. 34)

44. *Fuel Oil Burner, Permit to Install or Alter.* The fee for a permit granted by the head of the Fire Department under Section 10A of Chapter 148 of the General Laws for the installation or alteration of a fuel oil burner shall be twenty-five (\$25.00) dollars.

(Ord. 1976 c. 11; Ord. 1981 c. 22; Ord. 1985 c. 4 § 36)

45. *Fumigation of Certain Buildings, Permit For.* The fee for a permit granted by the head of the Fire Department under Section 10A of Chapter 148 of the General Laws to fumigate a warehouse, factory or commercial building by the use of volatile inflammable liquid or a material requiring flame shall be twenty-five (\$25.00) dollars.

(Ord. 1976 c. 11; Ord. 1981 c. 22; Ord. 1985 c. 4 § 38)

46. *Fumigation, Permit to Engage in Business Of.* The fee for a permit granted by the Chief of the Fire Department under Section 18.03 of the Boston Fire Prevention Code to engage in the business of fumigation and/or thermal insecticidal fogging shall be three hundred (\$300.00) dollars annually.

(Ord. 1976 c. 11; Ord. 1981 c. 22; Ord. 1985 c. 4 § 37)

47. *Fumigation Room, Permit For.* The fee for a permit granted by the Chief of the Fire Department under Section 18.03 of the Boston Fire Prevention Code to maintain a fumigation room, vault or chamber shall be twenty-five (\$25.00) dollars for each calendar month in which such permit may be exercised.
(Ord. 1976 c. 11; Ord. 1981 c. 22; Ord. 1985 c. 4 § 39)

48. *Funeral Director's License.* The fee for a license to act as a funeral director in Boston granted by the Board of Health and Hospitals under Section 49 of Chapter 114 of the General Laws shall be one hundred (\$100.00) dollars.
(Ord. 1976 c. 11)

18-1.7 "G" Fees and Charges.

1. *Garage Permits.* The fees for a permit granted by the Committee on Licenses in the Public Safety Commission under Chapter 577 of the Acts of 1913, as amended, to erect or maintain a garage for the storage, keeping, or care of motor vehicles (including a lubritorium or repair shop) shall be a primary fee of seventy-five (\$75.00) dollars and an additional fee equal to six (\$6.00) dollars for each inspection, repair, lubricating, or washstand bay thereof, and an additional fee for each calendar month in which such permit may be exercised of fifty (\$.50) cents for each parking space therein; provided that the fees for a permit so granted to erect or maintain a private garage for the storage or keeping of automobiles only shall be a primary fee of twenty-five (\$25.00) dollars, and an additional fee for each calendar month in which such permit may be exercised of fifty (\$.50) cents for each parking space therein, except that the total fee for a permit so granted to erect or maintain as an appurtenance to a dwelling a garage for the storage or keeping of not more than two (2) automobiles shall be five (\$5.00) dollars.
(Ord. 1976 c. 11)

2. *Garbage, Etc., Permit to Transport.* The fee for a permit to remove or transport garbage, offal, or other offensive substances through the streets of the City granted by the Board of Health and Hospitals under Section 31A of Chapter 111 of the General Laws shall be two hundred (\$200.00) dollars, for each vehicle used in such removal and transportation; provided, however, that for a vehicle which is under contract with the City of Boston, no fee shall be charged.
(Ord. 1976 c. 11; Ord. 1981 c. 34)

3. *Gases.* See "Flammable Materials," also "Liquefied Petroleum Gas Equipment."

4. *Gasfitting Installation, Alteration or Repair Permit.* The fees for receiving an application for a permit under Section 113 of the Commonwealth of Massachusetts State Building Code to install, alter, or repair permanent gasfitting in new construction shall be a primary fee of ten (\$10.00) dollars plus an additional fee of five (\$5.00) dollars for each appliance installed, altered, or substantially repaired. The fee for receiving an application under Section 113 of the State Building Code to install a liquefied petroleum gas supply shall be a

primary fee of fifteen (\$15.00) dollars and an additional fee of five (\$5.00) dollars for each one hundred (100) pounds of gas or fraction thereof to be stored.
(Ord. 1976 c. 11; Ord. 1977 c. 17; Ord. 1981 c. 28)

5. *Gas, Propane, Storage of in Buildings Under Construction or Renovation.**
The fee of the Building Commissioner for receiving an application for a permit to store propane gas for use in buildings under construction or renovation shall be five (\$5.00) dollars, and an additional two dollars and fifty (\$2.50) cents for each heating apparatus or appliance.
(Ord. 1977 c. 17)

6. *Gasoline Tank, Permit to Remove or Relocate.* The fee for a permit granted by the Chief of the Fire Department under Section 38A of Chapter 148 of the General Laws to remove or relocate an underground tank which has been used for the keeping or storage of gasoline shall be fifty (\$50.00) dollars for each tank.
(Ord. 1976 c. 11; Ord. 1981 c. 22; Ord. 1985 c. 4 § 40)

7. *Goats, Permit to Keep.* The fee for an annual permit to keep goats granted by the Board of Health and Hospitals under Subsection 16-1.8 of these ordinances shall be five (\$5.00) dollars for each goat.
(Ord. 1976 c. 11)

8. *Golf Course, William J. Devine (Franklin Park).*

(a) The fee for a license from the Parks and Recreation Commission permitting the licensee to use throughout the year for which it is given the William J. Devine golf course for the playing of golf shall be, in the case of a person who is a resident in the City, one hundred fifty (\$150.00) dollars for a seven (7) day license and one hundred twenty-five (\$125.00) dollars for a five (5) day, Monday through Friday license and in the case of any other person, two hundred seventy-five (\$275.00) dollars for a seven-day license and two hundred fifty (\$250.00) dollars for a five day, Monday through Friday license, provided, however, that in the case of a resident of the City sixty-five (65) years of age or older, the fee for a seven (7) day license shall be seventy-five (\$75.00) dollars.

(b) The fee for the use of such golf course for the playing of golf by a person without such a license shall be, on a Saturday, Sunday, or legal holiday, five (\$5.00) dollars in the case of a person resident of the City and eight (\$8.00) dollars in the case of any other person and, on any day other than Saturday, Sunday, or legal holiday, three dollars and fifty (\$3.50) cents in the case of a person resident in the City and five (\$5.00) dollars in the case of any other person; provided that the fee for the use of such golf course by any person commencing to play after 5:00 p.m. on any day other than a Saturday, Sunday, or legal holiday shall be two dollars and fifty (\$2.50) cents.

*Editor's Note: The Building Department and the Housing Inspection Department were abolished and all powers and duties transferred to the Inspectional Services Department by Ch. 19 of the Ordinances of 1981 (Section 9-9 of this Code).

(c) The fee to be charged by the Parks and Recreation Commission for the exclusive use of a locker at the golf course throughout the year for which it is given, shall be, in the case of a person resident in the City, twenty-five (\$25.00) dollars and in the case of any other person, thirty (\$30.00) dollars.
(Ord. 1976 c. 5, c. 8; Ord. 1981 c. 10)

9. *Golf Course, George Wright.*

(a) The fee for a license from the Parks and Recreation Commission permitting the licensee to use throughout the year for which it is given the George Wright golf course for the playing of golf shall be, in the case of a person who is a resident in the City, three hundred (\$300.00) dollars for a seven (7) day license and two hundred fifty (\$250.00) dollars for a five (5) day, Monday through Friday license and, in the case of any other person, four hundred (\$400.00) dollars for a seven (7) day license and three hundred seventy-five (\$375.00) dollars for a five (5) day, Monday through Friday license, provided, however, that in the case of a resident in the City sixty-five (65) years of age or older, the fee for a seven (7) day license shall be one hundred fifty (\$150.00) dollars and the fee for a five (5) day, Monday through Friday license shall be one hundred twenty-five (\$125.00) dollars. In the case of any member who is continuing a membership in good standing from 1980 to 1981, the cost of any daily fee charges paid prior to implementation of this ordinance may be applied to the cost of the 1981 membership fee.

(b) The fee for the use of such golf course for the playing of golf by a person without such a license shall be on a Saturday, Sunday, or legal holiday, eight (\$8.00) dollars in the case of a resident of the City and twelve (\$12.00) dollars in the case of any other person and, on any day other than a Saturday, Sunday, or legal holiday, five (\$5.00) dollars in the case of a resident of the City and nine (\$9.00) dollars in the case of any other person; provided that the fee for the use of such golf course by any person commencing to play after 5:00 p.m. on any day other than a Saturday, Sunday, or legal holiday shall be three dollars and fifty (\$3.50) cents.

(c) The fee to be charged by the Parks and Recreation Commission for the exclusive use of a locker at a golf course throughout the year for which it is given shall be, in the case of a resident of the City thirty (\$30.00) dollars and in the case of any other person fifty (\$50.00) dollars.
(Ord. 1976 c. 5, c. 8; Ord. 1981 c. 9)

10. *Use of George Wright Golf Course Clubhouse.* The charge to be paid for the use of the clubhouse at George Wright golf course for a social, civic or similar event shall be two hundred fifty (\$250.00) dollars.
(New; Ord. 1981 c. 9, s 2)

11. *Grain Elevator Permit.* The fee for a permit granted by the Chief of the Fire Department under Section 6.02 of the Boston Fire Prevention Code to operate a grain elevator shall be three hundred (\$300.00) dollars annually.
(Ord. 1976 c. 11; Ord. 1985 c. 4 § 41)

12. *Gravel Removal Permit.** The fee for a permit granted by the Building Commissioner under Chapter 204 of the Acts of 1945 to excavate land to a depth of more than five (5') feet for the purposes of obtaining and removing sand, gravel, or loam shall be ten (\$10.00) dollars.
(Ord. 1976 c. 11)

13. *Gunsmith's License.* The fee for a license to be in business as a gunsmith granted by the Police Commissioner under Section 122 of Chapter 140 of the General Laws shall be, in the case of a person licensed to sell, rent, or lease firearms, rifles, shotguns, or machine guns, fifty (\$50.00) dollars and in the case of any other persons one hundred (\$100.00) dollars.
(Ord. 1976 c. 11)

18-1.8 "H" Fees and Charges.

1. *Habitation, Permit for Hazardous Operation or Storage in or Near Place Of.* The fee for a permit granted by the Chief of the Fire Department under Section 16.02 of the Boston Fire Prevention Code for a hazardous operation or storage in or near a building used for habitation shall be twenty-five (\$25.00) dollars for each calendar month in which such permit may be exercised.
(Ord. 1976 c. 11; Ord. 1981 c. 22; Ord. 1985 c. 4 § 42)

2. *Hackney Carriage License.* The fee for a license granted by the Police Commissioner under Chapter 392 of the Acts of 1930 to set up and use a vehicle as a hackney carriage shall be one hundred (\$100.00) dollars for each vehicle. The fee for every amendment of any such license shall likewise be twenty (\$20.00) dollars for each vehicle, except that, in cases where the amendment results solely from the substitution of one vehicle for another, the fee therefor shall be ten (\$10.00) dollars for each vehicle.
(Ord. 1976 c. 11; Ord. 1985 c. 4 § 43)

3. *Hackney Carriage Driver's License.* The fee for a license granted by the Police Commissioner under Chapter 392 of the Acts of 1930 to drive or have charge of a hackney carriage shall be thirty (\$30.00) dollars.
(Ord. 1976 c. 11; Ord. 1985 c. 4 § 44)

4. *Halls, Etc., in Municipally Owned Buildings; Use Of.* The charge to be paid for the exclusive use on a weekday of a hall with a seating capacity of less

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than five hundred (500), in a municipally owned building, other than a library or school or Faneuil Hall, shall be sixty (\$60.00) dollars, except that the charge for such a use ceasing before 6:00 p.m. shall be thirty (\$30.00) dollars, and the charge for such a use commencing after 5:00 p.m. shall be fifty (\$50.00) dollars; and the charge to be paid for the exclusive use of such a hall on a Sunday or legal holiday shall be eighty (\$80.00) dollars, except that the charge for such a use ceasing before 6:00 p.m. shall be fifty (\$50.00) dollars, and the charge for such a use commencing after 5:00 p.m. shall likewise be fifty (\$50.00) dollars. The charge to be paid for the exclusive use on a weekday of a hall with a seating capacity of five hundred (500) or more but less than one thousand (1,000) in a municipally owned building other than a library or school or Faneuil Hall shall be one hundred (\$100.00) dollars, except that the charge for such a use ceasing before 6:00 p.m. shall be fifty (\$50.00) dollars, and the charge for such a use commencing after 5:00 p.m. shall be seventy (\$70.00) dollars; and the charge to be paid for the exclusive use of such a hall on a Sunday or legal holiday shall be one hundred twenty (\$120.00) dollars, except that the charge for such a use ceasing before 6:00 p.m. shall be seventy (\$70.00) dollars, and the charge for such a use commencing after 5:00 p.m. shall likewise be seventy (\$70.00) dollars. The charge to be paid for the exclusive use on a weekday of a hall with a seating capacity of one thousand (1,000) or more in a municipally owned building other than a library or school or Faneuil Hall shall be one hundred forty (\$140.00) dollars, except that the charge for such a use ceasing before 6:00 p.m. shall be seventy (\$70.00) dollars, and the charge for such a use commencing after 5:00 p.m. shall be ninety-five (\$95.00) dollars, and the charge to be paid for the exclusive use of such a hall on a Sunday or legal holiday shall be one hundred sixty (\$160.00) dollars, except that the charge for such a use ceasing before 5:00 p.m. shall be ninety (\$90.00) dollars, and the charge for such a use commencing after 5:00 p.m. shall likewise be ninety (\$90.00) dollars. The charge to be paid for the exclusive use on a weekday of Faneuil Hall shall be one hundred fifty (\$150.00) dollars, except that the charge for such a use ceasing before 5:00 p.m. shall be seventy (\$70.00) dollars, and the charge for such a use commencing after 5:00 p.m. shall be one hundred (\$100.00) dollars; and the charge to be paid for the exclusive use of Faneuil Hall on a Saturday or Sunday or legal holiday shall be one hundred fifty (\$150.00) dollars, except that the charge for such use ceasing before 5:00 p.m. shall be one hundred (\$100.00) dollars. The word "hall" as used in this paragraph shall not be construed to include the municipal auditorium or any part thereof, but shall be construed to include a gymnasium with seating accommodations.

(Ord. 1976 c. 11; Ord. 1982 c. 19)

5. *Halls, Large, Presenting Rock Concerts, License For.* The fee for a license granted by the Mayor under Section 181 of Chapter 140 of the General Laws for large hall in which may from time to time be presented rock concerts, so called, shall be five hundred (\$500.00) dollars for each calendar year or part thereof in which such license is to be exercised.

(Ord. 1976 c. 11)

6. *Hamburg.* See "Sausages and Chopped Meat."

7. *Handcart Licenses.* See "Wagon and Handcart Licenses."

8. *Hawker's or Peddler's License.* The fee for an annual hawker's or peddler's license granted by the Board of Health and Hospitals under Subsection 16-2.1 shall be, if sales within the market limits as prescribed in Subsection 17-3.1 are authorized, one hundred fifty (\$150.00) dollars, otherwise, twenty-five (\$25.00) dollars.

(Ord. 1976 c. 3; Ord. 1981 c. 11, c. 34; Ord. 1985 c. 4 § 76)

9. *Hawker's or Peddler's Number Plates.* The fee of the Board of Health and Hospitals for assigning under Subsection 16-2.1 a number to a person hawking or peddling any of the articles enumerated in Section 17 of Chapter 101 of the General Laws shall be five (\$5.00) dollars.

(Ord. 1976 c. 11; Ord. 1981 c. 34)

10. *Hazardous Operation or Storage, Permit For.* The fee for a permit granted by the Chief of the Fire Department under Section 1.05(b) or 21.01 of the Boston Fire Prevention Code for a hazardous operation or storage shall be twenty-five (\$25.00) dollars for each calendar month in which such permit may be exercised, or three hundred (\$300.00) dollars annually.

(Ord. 1976 c. 11; Ord. 1981 c. 22; Ord. 1985 c. 4 § 45)

11. *Heating Installation Permit.* The fee of the Commissioner of Inspectional Services for receiving an application for a permit under Section 113 of the Commonwealth of Massachusetts State Building Code to install a steam boiler, furnace, heater, or other heat-producing apparatus, the installation of which is regulated by the State Building Code shall be a primary fee of ten (\$10.00) dollars plus an additional fee of nine (\$0.09) cents per each one thousand (1,000) BTU/Hour or fraction thereof of capacity of the system. The fee of said Commissioner for receiving an application to install, alter, or repair any oven or furnace used for industrial purposes shall be fifty (\$50.00) dollars.

(Ord. 1976 c. 11; Ord. 1981 c. 28)

12. *Hens.* See "Poultry."

13. *Hotels, Hospitals, Dispensaries, Day Care Agencies, Etc., Inspection Of.* The fee to be paid to the Chief of the Fire Department for inspecting, pursuant to Section 4 of Chapter 143 of the General Laws, any institution as defined in Section 1 of Chapter 143 of said General Laws, or for inspecting, pursuant to any requirement of statute, any hotel, hospital, dispensary, clinic, institution for unwed mothers, agency giving day care to children, nursing home, infirmary, rest home, halfway house, or other group residence, or any similar facility, and for issuing a report or certificate of said inspection, shall be fifty (\$50.00) dollars for each inspection per building whether made annually, semiannually, quarterly, or at other intervals.

(Ord. 1976 c. 11; Ord. 1985 c. 4 § 46)

14. *Hunting License.* The fee for a hunting license issued by the City Clerk under Chapter 131 of the General Laws shall be as prescribed in Section 11 of said Chapter 131.
(Ord. 1976 c. 11)

15. *Hydrant Disconnection.* See "Sprinkler System Disconnection."

18-1.9 "I" Fees and Charges.

1. *Ice Cream.* See "Frozen Desserts."

2. *Incinerator, Assignment of Place for Refuse Disposal.* The fee for the assignment by the Board of Health and Hospitals under Section 150A of Chapter 111 of the General Laws as a site for a refuse disposal incinerator or refuse transfer station shall be five hundred (\$500.00) dollars.
(Ord. 1976 c. 11; Ord. 1981 c. 34)

3. *Incinerator Permit.* The fee for a permit granted by the Fire Commissioner under Chapter 355 of the Acts of 1943 to set, maintain, or increase fires in an incinerator in the open shall be five (\$5.00) dollars for each calendar month in which such permit may be exercised; and the fee for a permit granted by the Chief of the Fire Department under Section 17.04 of the Boston Fire Prevention Code to fire an incinerator not in the open shall likewise be five (\$5.00) dollars for each calendar month in which such permit may be exercised; provided, that when either such permit is granted solely for an incinerator for the purpose of burning rubbish from households on the estate on which it is located, the fee therefor shall be: if granted for a period of twenty-four (24) months, four (\$4.00) dollars; if granted for a period of less than twenty-four (24), but more than eighteen (18) months, three dollars and fifty (\$3.50) cents; if granted for a period of eighteen (18) months, three (\$3.00) dollars; if granted for a period of less than eighteen (18), but more than twelve (12) months, two dollars and fifty (\$2.50) cents; if granted for a period of twelve (12) months, two (\$2.00) dollars; if granted for a period of less than twelve (12), but more than six (6) months, one dollar and fifty (\$1.50) cents; if granted for a period of six (6) months, one (\$1.00) dollar; and if granted for a period of less than six (6) months, fifty (\$.50) cents.
(Ord. 1976 c. 11)

4. *Inflammables.* See "Flammable and/or Explosive Materials."

5. *Innholder's License.* The fee for an innholder's license granted by the Licensing Board under Section 2 of Chapter 140 of the General Laws shall be eight hundred (\$800.00) dollars.
(Ord. 1976 c. 11; Ord. 1981 c. 35)

18-1.10 "J" Fees and Charges.

1. *Jitney License.* The fee for a license granted by the City Council, with the approval of the Mayor, under Section 1 of Chapter 159A of the General Laws to

operate a motor vehicle upon a public way for the carriage of passengers for hire, in such a manner as to afford a means of transportation similar to that afforded by a railway company, by indiscriminately receiving and discharging passengers along the route on which the vehicle is operated or may be running, or for transporting passengers for hire as a business between fixed and regular termini shall be two hundred fifty (\$250.00) dollars and an additional one hundred (\$100.00) dollars for each calendar year said license continues in effect; and the fee for an amendment of any such license shall be fifty (\$50.00) dollars.
(Ord. 1976 c. 11; Ord. 1981 c. 13)

2. *Junk Collector's License.* The fee for an annual junk collector's license granted by the Police Commissioner under Subsection 17-4.1 shall be one hundred fifty (\$150.00) dollars.
(Ord. 1976 c. 11; Ord. 1985 c. 4 § 47)

3. *Junk Shopkeeper's License.* The fee for an annual junk shopkeeper's license granted by the Police Commissioner under Subsection 17-4.1 shall be two hundred (\$200.00) dollars.
(Ord. 1976 c. 11; Ord. 1985 c. 4 § 48)

4. *Junk Yard Permit.* The fee for a permit granted by the Chief of the Fire Department under Section 3.02 of the Boston Fire Prevention Code to conduct or maintain a junk yard shall be four hundred (\$400.00) dollars annually.
(Ord. 1976 c. 11; Ord. 1981 c. 22; Ord. 1985 c. 4 § 49)

18-1.11 "K" Fees and Charges.

1. *Kennel License.* The fee for a kennel license granted by the Police Commissioner under Section 137A of Chapter 140 of the General Laws shall be fifteen (\$15.00) dollars if four (4) dogs or less are kept in the kennel; thirty (\$30.00) dollars if more than four (4) but not more than ten (10) dogs are kept in the kennel; and sixty (\$60.00) dollars if more than ten (10) dogs are kept in the kennel; except that a kennel license shall be issued without charge to any domestic charitable corporation incorporated exclusively for the purpose of protecting animals from cruelty, neglect, or abuse and for the relief of suffering among animals. Dogs under the age of three (3) months shall not be counted in determining the fee for a kennel license.
(Ord. 1976 c. 11)

2. *Kennel Transfer License.* The fee for the issuance under Section 137A of Chapter 140 of the General Laws of a new license in the case of the removal of a kennel to Boston shall be three (\$3.00) dollars.
(Ord. 1976 c. 11)

18-1.12 "L" Fees and Charges.

1. *Labor, Claim For.* See "Works or Railroads and Railways."

2. *Licensed Establishment, Inspection Of.* The fee of the Commissioner of Inspectional Services for annually inspecting a licensed establishment under Section 108 of the State Building Code shall be, in the case of restaurants, lecture halls, recreation centers, terminals, and similar uses, seventy-five (\$75.00) dollars; provided that, in cases in which the licensed establishment accommodates four hundred (400) persons or less, the fee shall be thirty-seven dollars and fifty (\$37.50) cents; and provided further that, in cases in which more than five thousand (5,000) persons are accommodated, there shall be an additional fee of fifteen (\$15.00) dollars for each thousand (1,000) persons (or fraction thereof) accommodated over the first five thousand (5,000) persons. The fee to be charged by said Commissioner for annually inspecting nightclubs and similar uses (as defined in Section 203 of the State Building Code) shall be one (\$1.00) dollar per guest at maximum accommodation capacity. The fee to be charged by said Commissioner for Assembly Theaters (as defined in Section 108 of the State Building Code) shall be fifty (\$.50) cents per guest at maximum accommodation capacity. The fee to be charged by the said Commissioner for annually inspecting church assembly halls used for low-density recreation and similar uses and for annually inspecting the assembly halls of schools with ten (10) or more students shall be thirty-seven dollars and fifty (\$37.50) cents. The fee of said Commissioner for annual inspection of stadiums, bleachers, etc., (as defined in Section 420 of the State Building Code) shall be thirty-seven dollars and fifty (\$37.50) cents for seating accommodations for up to five thousand (5,000) persons, plus seven dollars and fifty (\$7.50) cents for the accommodation for each additional one thousand (1,000) persons or fraction thereof. The fee of said Commissioner for the annual inspection of jails, prisons, hospitals, sanitariums, and orphanages (as defined in Section 207 of the State Building Code) shall be one hundred (\$100.00) dollars for each structure containing up to one hundred (100) beds, plus two (\$2.00) dollars for each additional ten (10) beds or fraction thereof. The fee for the annual inspection of hotels, motels, lodging houses, dormitories, etc., shall be seventy-five (\$75.00) dollars for up to ten (10) units (as defined in Section 209 of the State Building Code) plus ten (\$10.00) dollars per unit for each unit in excess of ten (10) units. (Ord. 1976 c. 11; Ord. 1981 c. 28)

3. *Licensing Board, Filing Fee for Amendment, Transfer, or Alterations.* The fee to be charged by the Licensing Board for the filing of an application for transfer, changing management, classification, or description of premises to an existing license issued by the Licensing Board shall in the case where such amendment, change, or alteration involves expenditures by said Licensing Board for public notices, and/or public hearings, and/or administrative cost, and/or stenographic costs shall be one hundred (\$100.00) dollars; provided, however, that in the case of an amendment, change or alteration to an existing license, which does not involve said expenditures the fee shall be thirty (\$30.00) dollars. (Ord. 1976 c. 11; Ord. 1981 c. 35)

4. *Liquefied Petroleum Gas Equipment Permit.* The fee for a permit granted by the head of the Fire Department under Section 10A of Chapter 148 of the

General Laws to install or connect liquefied petroleum gas equipment shall be twenty-five (\$25.00) dollars per installation or connection.

(Ord. 1976 c. 11; Ord. 1981 c. 22; Ord. 1985 c. 4 § 50)

5. *Loading Zone Designation.* * The fee for the annual designation of a loading zone by the Commissioner of Traffic and Parking under Section 2A of Chapter 263 of the Acts of 1929 shall, in Zone A be twenty (\$20.00) dollars for each foot of curbing abutting on said zone and in Zone B be ten (\$10.00) dollars for each foot of curbing abutting on said zone. The zones shall be defined by the Commissioner of Traffic and Parking and set forth in the Traffic and Parking Regulations. The charge to be paid for the erection by such Commissioner upon the request of the applicant for such designation of a sign in connection with such designation shall be one hundred fifty (\$150.00) dollars which shall include maintenance for five (5) years.

(Ord. 1976 c. 11; Ord. 1981 c. 33; Ord. 1985 c. 4 § 5)

6. *Locations.* See "Public Utility Locations."

7. *Lodging House License.* The fee for a lodging house license granted by the Licensing Board under Section 23 of Chapter 140 of the General Laws shall be, in the case of a lodging house certified by the Building Department as having an occupancy of less than ten (10) rooms to let or adapted for letting to lodgers, seventy-five (\$75.00) dollars and in the case of a lodging house certified by the Building Department as having an occupancy of ten (10) or more, but less than twenty (20) such rooms, one hundred fifty (\$150.00) dollars; and in the case of a lodging house certified by the Building Department as having an occupancy of twenty (20) or more such rooms, but less than thirty (30) such rooms, two hundred twenty-five (\$225.00) dollars; and in the case of a lodging house certified by the Building Department as having an occupancy of thirty (30) or more, but less than forty (40) such rooms, three hundred (\$300.00) dollars; plus an additional fee of four (\$4.00) dollars for the fortieth (40th) room and four (\$4.00) dollars for each additional room.

(Ord. 1976 c. 11; Ord. 1981 c. 35)

8. *Lumber Yard Permit.* The fee for a permit granted by the Chief of the Fire Department under Section 23.01 of the Boston Fire Prevention Code to store in excess of one hundred thousand (100,000) board feet of lumber shall be four hundred (\$400.00) dollars annually.

(Ord. 1976 c. 11; Ord. 1981 c. 22; Ord. 1985 c. 4 § 52)

9. *Lunch Cart License.* The fee for an annual license to maintain a vehicle for the sale of food in a public way granted by the Commissioner of Public Works and the Police Commissioner under Section 49 of Chapter 140 of the General Laws shall be two hundred forty (\$240.00) dollars.

(Ord. 1976 c. 11; Ord. 1982 c. 5)

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18-1.13 “M” Fees and Charges.

1. *Magnesium, Permit to Process.* The fee for a permit granted by the Chief of the Fire Department under Section 19.03 of the Boston Fire Prevention Code to melt, cast, heat-treat, machine, and grind more than ten (10) pounds of magnesium per working day or to do any one or more said things shall be fifteen (\$15.00) dollars for each calendar month in which such permit may be exercised. (Ord. 1976 c. 11)

2. *Manure, Permit for Removal Of.* The fee for an annual permit for the removal of manure granted by the Board of Health and Hospitals pursuant to Subsection 16-1.12 shall be fifty (\$50.00) dollars. (Ord. 1976 c. 11; Ord. 1981 c. 34)

3. *Marriage License.* The fee of the City Registrar for entering notice of intention of marriage and issuing certificate thereof shall be fifteen (\$15.00) dollars. (Ord. 1976 c. 11; Ord. 1981 c. 14; Ord. 1985 c. 4 § 53)

4. *Marriages.* See “Births, Marriages and Deaths.”

5. *Marriages Solemnized Outside Massachusetts, Recording Of.* The fee of the City Registrar for receiving under Section 36 of Chapter 207 of the General Laws a Certificate of Declaration of Marriage solemnized outside Massachusetts shall be five (\$5.00) dollars. (Ord. 1976 c. 11; Ord. 1981 c. 14)

6. *Massage License.* The fee for an annual license to practice massage granted by the Board of Health and Hospitals under Section 51 of Chapter 140 of the General Laws shall be fifty (\$50.00) dollars. (Ord. 1976 c. 11)

7. *Matches, Permit to Manufacture.* The fee for permit granted by the Chief of the Fire Department under Section 24.01 of the Boston Fire Prevention Code to manufacture matches shall be sixty (\$60.00) dollars annually. (Ord. 1976 c. 11; Ord. 1985 c. 4 § 54)

8. *Matches, Permit to Store.* The fee for a permit granted by the Chief of the Fire Department under Section 24.01 of the Boston Fire Prevention Code to store in excess of eight hundred sixty-four thousand (864,000) matches shall be twenty-four (\$24.00) dollars annually. (Ord. 1976 c. 11; Ord. 1985 c. 4 § 55)

9. *Material, Claims For.* See “Railroads and Railways.”

10. *Meter Removal and Reinstallation.** The fee for the removal and the reinstallation of a parking meter by the Commissioner of Traffic and Parking shall be forty (\$40.00) dollars for each meter. There shall be a maximum fee of five (\$5.00) dollars per diem, to be determined by the Commissioner of Traffic and

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Parking, for each meter which has been removed. This fee shall be determined in accordance with the provisions of the Street Occupancy Permit which specifies the estimated length of time of the project and shall be paid prior to the initiation of the project. Adjustments in the per diem fee shall be determined by the Commissioner of Traffic and Parking upon the reinstallation of the meter. Requests for reimbursements must be filed in writing with the Commissioner of Traffic and Parking within thirty (30) days of the reinstallation of the meter. The fee for the removal and reinstallation of a parking meter pole shall be one hundred (\$100.00) dollars.

(Ord. 1985 c. 4 § 56)

11. *Milk License.* The fee for a license granted by Board of Health and Hospitals under Section 41 of Chapter 94 of the General Laws to deliver, exchange, expose for sale or sell, or have in custody or possession with intent so to do, milk, skimmed milk, or cream, shall be ten (\$10.00) dollars for each premises.

(Ord. 1976 c. 11; Ord. 1977 c. 9, c. 15; Ord. 1981, c. 34)

12. *Milk Pasteurization Plant License.* The fee for a license granted by the Board of Health and Hospitals under Section 48A of Chapter 94 of the General Laws for the maintenance of an establishment for the pasteurization of milk shall be seven hundred fifty (\$750.00) dollars.

(Ord. 1976 c. 11; Ord. 1981 c. 34)

13. *Minor's Badge, Etc.* The fee for a minor's badge, whether issued by the City Clerk under Section 17-5 or by the Superintendent of Schools (or a person authorized by him in writing) under Section 70 of Chapter 149 of the General Laws or under regulations made by the school committee pursuant to Section 19 of Chapter 101 of the General Laws, shall be one (\$1.00) dollar; but no fee shall be charged for a minor's license under said Section 17.5 or for an employment permit or educational certificate issued under any provision of said Chapter 149.

(Ord. 1976 c. 11)

14. *Mobile Food Server or Prepared Food Vending Vehicle, Permit For.* The fee for a permit granted by the Board of Health under the State Sanitary Code for the operation of a mobile food server or prepared food vending vehicle shall be one hundred (\$100.00) dollars or fifty (\$50.00) dollars in the case of a cart pushed by hand or a bicycle-driven vehicle, except that the fee shall be one-half ($\frac{1}{2}$) of that set forth above when a seasonal license is issued for the period from April 1st to November 1st only.

(Ord. 1976 c. 11; Ord. 1977 c. 7; Ord. 1981 c. 34)

15. *Mortgages.* See "Personal Property Mortgages, Etc.," also "Real Estate Tax Payment Certificate."

16. *Motel, Etc., License For.* The fee for a license granted by the Board of Health and Hospitals under Section 32B of Chapter 140 of the General Laws for a recreational camp, or an overnight camp or cabin, or a motel shall be, in the case

of an original license two hundred (\$200.00) dollars plus the cost of publishing the notice of hearing, and in the case of a renewal license, fifty (\$50.00) dollars.
(Ord. 1976 c. 11; Ord. 1981 c. 34)

17. *Motor Carriers*. See "Jitney License."

18. *Moving Pictures, Permit for Special Exhibition Of*. The fee for a permit granted by the Mayor under Section 1 of Chapter 280 of the Acts of 1913 for a special exhibition of moving pictures shall be ten (\$10.00) dollars.
(Ord. 1976 c. 11)

19. *Municipal Lien Certificate*. The fee for a certificate of liens as provided in Section 23 of Chapter 60 of the General Laws shall be as follows:

(a) For land of less than one acre upon which there is no permanent structure, a fee of ten (\$10.00) dollars;

(b) For land upon which is situated no more than a single-family residence and outbuildings, a fee of ten (\$10.00) dollars;

(c) For land upon which is situated no more than a two (2) family residence and outbuildings, a fee of fifteen (\$15.00) dollars;

(d) For land upon which is situated no more than a three (3) family residence and outbuildings, a fee of twenty (\$20.00) dollars;

(e) For land upon which is situated a residence for four (4) or more families, a fee of forty (\$40.00) dollars;

(f) For land upon which is situated a commercial industrial or public utility structure, a fee of one hundred (\$100.00) dollars;

(g) For farms, forest land, and all other real property, a fee of fifty (\$50.00) dollars.

(Ord. 1976 c. 11; Ord. 1978 c. 1)

20. *Musicians, Band or Group Itinerant*. The fee for an itinerant musicians' license granted by the Police Commissioner under Subsection 16-12.24 for a band or group of musicians shall be five (\$5.00) dollars, except that in cases where such a license is granted for a period longer than one month, the fee therefor shall be five (\$5.00) dollars for each monthly period for which it is granted.
(Ord. 1976 c. 11)

21. *Musicians, Individual Itinerant*. The fee for an annual itinerant musician's license granted an individual musician by the Police Commissioner under Subsection 16-12.24 shall be ten (\$10.00) dollars.
(Ord. 1976 c. 11)

22. *Musicians*. See also "Sound Trucks."

18-1.14 "N" Fees and Charges.

1. *Newsboys on Common.* The fee for an annual permit granted by the Mayor under Subsection 16-19.2 to sell newspapers on the Common shall be fifty (\$50.00) dollars.

(Ord. 1976 c. 11)

2. *Nitrocellulose, Permit for Outdoor Storage Of.* The fee for a permit granted by the Chief of the Fire Department under Section 10A of Chapter 148 of the General Laws for the outdoor storage of nitrocellulose shall be twenty-five (\$25.00) dollars for each calendar month in which such permit may be exercised.

(Ord. 1976 c. 11; Ord. 1985 c. 4 § 57)

3. *Non-Intoxicating Beverages License.* The fee for a license to sell non-intoxicating beverages, whether by machine or over-the-counter or by vendor, granted by the Licensing Board under Section 21B of Chapter 140 of the General Laws shall be sixty (\$60.00) dollars.

(New; Ord. 1981 c. 35)

4. *Non-Resident of Commonwealth Doing Business in City, Certificate and Statement Of.* The fee of the City Clerk for receiving and filing a certificate and statement under Section 5A of Chapter 227 of the General Laws shall be twenty-five (\$25.00) dollars.

(Ord. 1976 c. 11; Ord. 1981 c. 13)

18-1.15 "O" Fees and Charges.

1. *Offensive Trade, Assignment of Location For.* The fee for the assignment by the Board of Health and Hospitals under Section 143 of Chapter 111 of the General Laws of a location for the exercise of a trade or employment referred to in Section 143 shall be two hundred fifty (\$250.00) dollars.

(Ord. 1976 c. 11; Ord. 1981 c. 34)

2. *Offensive Trade, Permit to Occupy or Use Building For.* The fee for a permit from the Mayor and City Council under Section 151 of Chapter 111 of the General Laws to occupy or use a building for carrying on the business of slaughtering cattle, horses, mules, sheep, or other animals, or for a melting or rendering establishment, or for other noxious or offensive trade or occupation, or to permit or allow such a trade or occupation to be carried on upon premises owned or occupied by the permittee shall be twenty-five (\$25.00) dollars.

(Ord. 1976 c. 11)

3. *Oil Burner.* See "Fuel Oil Burner."

4. *Optometrist's Certificate.* The fee of the City Clerk for recording under Section 70 of Chapter 112 of the General Laws an optometrist's certificate of registration, or for issuing thereunder a certified copy of such a certificate, or for receiving and filing thereunder such a certified copy shall be ten (\$10.00) dollars.

(Ord. 1976 c. 11)

5. *Osteopath's Certificate.* The fee of the City Clerk for recording under Section 8 of Chapter 112 of the General Laws, by virtue of Section 10 of said Chapter, an osteopath's certificate of registration or, in a case where it is lost, the certified statement provided for by said Section 8, shall be ten (\$10.00) dollars. (Ord. 1976 c. 11)

6. *Oven, Permit to Operate Industrial Baking or Drying.* The fee for a permit granted by the Chief of the Fire Department under Section 26.02 of the Boston Fire Prevention Code to operate one or more industrial baking or drying ovens shall be sixty (\$60.00) dollars annually. (Ord. 1976 c. 11; Ord. 1985 c. 4 § 58)

7. *Oxygen and Acetylene, Permit for Storage or Use in Conjunction.* The fee for an annual permit granted by the Chief of the Fire Department under Section 10A of Chapter 148 of the General Laws for the storage or use of oxygen and acetylene in conjunction shall be six (\$6.00) dollars for each one hundred (100) cubic feet or fraction thereof of gases up to the first one thousand (1,000) cubic feet, and four (\$4.00) dollars for each one hundred (100) cubic feet or fraction thereof of gases in excess of the first one thousand (1,000) cubic feet. (Ord. 1976 c. 11; Ord. 1981 c. 22)

18-1.16 "P" Fees and Charges.

1. *Parking Space, Inspection Of.* The fee to be charged by the Chief of the Fire Department for annually inspecting pursuant to Section 56 of Chapter 148 of the General Laws any open-air parking space licensed under paragraph 2 of this subsection, or to be so licensed, and for issuing a report or certificate of such inspection, shall be fifty (\$50.00) dollars. (Ord. 1976 c. 11; Ord. 1981 c. 22)

2. *Parking Space License.** The fee for a license granted by the Commissioner of Traffic and Parking under Section 56 of Chapter 148 of the General Laws to engage in the business of conducting or maintaining an open-air parking space shall be equal to a twenty-four (24) hour rate per space per month. (Ord. 1976 c. 11; Ord. 1981 c. 33; Ord. 1985 c. 4 § 59)

3. *Park Land Demonstration.* The fee for a permit granted by the Commissioner of Parks and Recreation to demonstrate shall be as set forth in Subsection 16-19.3. (Ord. 1983 c. 26 § 2)

4. *Parkway or Street Occupancy Permit for Awning, Canopy or Marquee.* The fee for an annual permit for the permanent projection over a parkway, other way under the control of the Parks and Recreation Commission or public way of an

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awning, canopy, or marquee shall be, in the case of an awning or canopy, or marquee without sign, a primary fee of one hundred (\$100.00) dollars and an additional fee of eight (\$8.00) dollars for each hundred square feet or part thereof, of way covered thereby; and in the case of awning, canopy or marquee with sign, a primary fee of one hundred forty (\$140.00) dollars and an additional fee of eight (\$8.00) dollars for each hundred square feet or any part thereof, of way covered thereby; and a further additional fee of four (\$4.00) dollars for each ten (10) square feet or part thereof of the face area of the sign or signs determined by aggregating the face area of each sign as computed, without regard to its shape, by multiplying its maximum height by its maximum width within the limits of the way; provided, however, that the primary fee for a renewal for which the fee is paid, on or before the expiration date of the permit renewed shall be, in the case of an awning, canopy, or marquee without sign, eighty (\$80.00) dollars and in the case of awning, canopy, or marquee with sign, one hundred (\$100.00) dollars. The fee for an annual permit for the projection over a parkway, other way under the control of the Parks and Recreation Commission, or public way of one or more retractable awnings shall be a primary fee of twenty (\$20.00) dollars; and an additional fee of eight (\$8.00) dollars for each hundred square feet or part thereof of way covered thereby. The fee for a permit for the temporary projection over a parkway, other way under the control of the Parks and Recreation Commission, or public way of a cloth or canvas canopy shall be forty-eight (\$48.00) dollars for each day for which such permit is granted.

(Ord. 1982 c. 5; Ord. 1985 c. 4 § 71)

5. *Parkway or Street Occupancy Permit for Awning Work.* The fee for a permit to occupy or obstruct a portion or portions of a parkway, other way under the control of the Parks and Recreation Commission, street or streets for the purpose of placing, repairing, or removing one or more awnings on a specified building or structure shall be six (\$6.00) dollars for each monthly period for which such permit is granted and the fee for an annual permit so granted to occupy and obstruct portions of ways or streets for the purpose of placing, repairing and removing awnings on buildings and structures shall be six hundred (\$600.00) dollars.

(New; Ord. 1982 c. 5)

6. *Parkway or Street Occupancy Permit for Building Construction, Repair, Demolition, Etc.* The fee for a permit to occupy or obstruct a portion or portions of a parkway, other way under the control of the Parks and Recreation Commission, street or streets in connection with the erection, alteration, repair, painting, cleaning, decorating, demolition, or removal of a building or structure shall be, for each monthly period in which such permit may be exercised, a primary fee of twenty (\$20.00) dollars and an additional fee of one (\$1.00) dollar for each square foot of way or street to be occupied or obstructed at any one time in such period, except that the total fee for a permit so granted to occupy or obstruct a portion or portions of a parkway, other way under the control of the

Parks and Recreation Commission, street or streets for the purpose of making to a specified building or structure alterations or repairs requiring not more than three (3) consecutive working days to complete, shall be twenty (\$20.00) dollars, and except further, that the total fee for an annual permit so granted to occupy or obstruct a portion or portions of a parkway, other way under the control of the Parks and Recreation Commission, street or streets for the purpose of cleaning decorative and sign work on a specified building or structures or removing stains from such building or structure or for both purposes shall be fifty (\$50.00) dollars.

Permits under this paragraph shall be granted for the period of time such occupancy will necessarily continue, not exceeding one year. The total fee for an annual permit so granted to occupy or obstruct a portion or portions of a parkway, other way under the control of the Parks and Recreation Commission, street or streets for building construction or repair shall be the aforesaid primary fee plus six (6) times the aforesaid monthly additional fee.

(Ord. 1976 c. 11; Ord. 1982 c. 5, c. 28)

7. *Parkway or Street Occupancy Permit for Building Moving.* The fee for a permit to move a building in a parkway, other way under the control of the Parks and Recreation Commission, street or streets the Parks and Recreation Commission, street or streets shall be three hundred (\$300.00) dollars for the first day and one hundred fifty (\$150.00) dollars for each additional day on which it may be exercised.

(Ord. 1976 c. 11; Ord. 1982 c. 5)

8. *Parkway or Street Occupancy Permit for Heating Plant Cleaning.* The fee for a permit to occupy or obstruct a portion of a parkway, other way under the control of the Parks and Recreation Commission, street or streets for the purpose of cleaning the heating plant or plants of a specified building or structure shall be ten (\$10.00) dollars and the fee for an annual permit so granted to occupy and obstruct portions of parkways, other ways under the control of the Parks and Recreation Commission or streets for the purpose of cleaning heating plants of buildings and structures shall be six hundred (\$600.00) dollars.

(New; Ord. 1982 c. 5)

9. *Parkway or Street Occupancy Permit for Oversized Vehicles, Etc.* The fee for a permit to operate on a parkway, other way under the control of the Parks and Recreation Commission or public way a motor vehicle or trailer having an outside width of more than ninety-six (96") inches, or an extreme overall length of more than thirty-three (33') feet, or a vehicle of a height in excess of thirteen feet six (13'6") inches shall be sixteen (\$16.00) dollars a day.

(Ord. 1982 c. 5)

10. *Parkway or Street Occupancy Permit for Overweight Trailers.* The fee for a permit to operate or draw on a parkway, other way under the control of the Parks and Recreation Commission, or public way a trailer which with its load

weighs more than five thousand (5,000) pounds, other than a semitrailer, a heavy duty platform trailer, a cable-reel trailer, a house trailer, or a trailer which is an apparatus or other object on wheels not used to transport other things for delivery shall be sixteen (\$16.00) dollars a day.

(Ord. 1982 c. 5)

11. *Parkway or Street Occupancy Permit for Overweight Vehicles, Etc.* The fee for a permit to operate or move on a parkway, other way under the control of the Parks and Recreation Commission or public way a vehicle or object weighing more than fourteen (14) tons or, in the case of a vehicle equipped with pneumatic tires, more than fifteen (15) tons shall be sixteen (\$16.00) dollars a day.

(Ord. 1982 c. 5)

12. *Parkway or Street Occupancy Permit for Public Utility Work.* The fee for an annual permit to occupy or obstruct portions of parkways, other ways under the control of the Parks and Recreation Commission or streets for the purpose of clearing manholes and placing and testing equipment shall be two hundred fifty (\$250.00) dollars for each ward for which such permit is granted.

(Ord. 1982 c. 5)

13. *Parkway or Street Occupancy Permit for Raising or Lowering Goods.* The fee for a permit to occupy, obstruct, or use a portion of a parkway, other way under the control of the Parks and Recreation Commission, or street for the purpose of raising or lowering goods or merchandise into or from a specified building or structure shall be twenty-five (\$25.00) dollars.

(Ord. 1982 c. 5)

14. *Parkway or Street Occupancy Permit for Sign.* The fees for an annual permit for the placement on, or the projection over, a parkway, other way under the control of the Parks and Recreation Commission or public way of a sign, advertising device, clock, or other like structure shall be a primary fee of fifty (\$50.00) dollars and an additional fee of two (\$2.00) dollars for each ten (10) square feet of the total face area thereof determined by aggregating the area of each face as computed without regard to its shape by multiplying its maximum height by its maximum width within the limits of a way, provided, however, that the primary fee for a renewal permit for which the fee is paid on or before the expiration date of the permit renewed shall be twenty (\$20.00) dollars. The fees for an annual permit for the placement on, or the projection over a parkway, other way under the control of the Parks and Recreation Commission, or public way of a lamp, meathook, or other miscellaneous small structure bearing no advertising message shall be a primary fee of ten (\$10.00) dollars and an additional fee as determined by the department empowered by ordinance to collect the fee. There shall be no fee for a lamp, clock, or other device of street furniture, so-called, bearing no advertising and exempted from the provisions hereof by the Art or Landmarks Commissions.

(Ord. 1982 c. 5)

15. *Parkway or Street Occupancy Permit for Sign Work.* The fee for a permit to occupy or obstruct a portion or portions of a parkway, other way under the control of the Parks and Recreation Commission, street or streets for the purpose of placing, painting, repairing, or removing a sign on a specified building or structure shall be ten (\$10.00) dollars for each monthly period for which such permit is granted; and the fee for an annual permit so granted to occupy and obstruct portions of a parkway, other way under the control of the Parks and Recreation Commission, street or streets, for the purposes of placing, painting, or repairing and removing signs on buildings and structures shall be one thousand (\$1,000.00) dollars.
(Ord. 1982 c. 5)

16. *Parkway or Street Occupancy Permit for Snow Removal from Building.* The fee for an annual permit to occupy or obstruct a portion or portions of a parkway, other way under the control of the Parks and Recreation Commission, street or streets for the purpose of removing snow and ice from a specified building or structure shall be ten (\$10.00) dollars.
(Ord. 1976 c. 11; Ord. 1982 c. 5)

17. *Parkway or Street Occupancy Permit for Storage and Sale of Merchandise.* The fee for a license to use specified parts of parkways, other ways under the control of the Parks and Recreation Commission, or public streets for the storage and sale of merchandise shall be such sum, not less than fifty (\$50.00) dollars or more than one hundred (\$100.00) dollars as the Commissioner empowered by ordinance shall determine approximates the value of the privilege granted.
(Ord. 1982 c. 5)

18. *Parkway or Street Occupancy Permit for Window Cleaning.* The fee for an annual permit to occupy or obstruct a portion or portions of a parkway, other way under the control of the Parks and Recreation Commission, street or streets for the purpose of cleaning one or more windows of a specified building or structure shall be ten (\$10.00) dollars and the fee for an annual permit so granted to occupy and obstruct portions of parkways, other ways under the control of the Parks and Recreation Commission, or streets for the purpose of cleaning windows of buildings and structures shall be six hundred (\$600.00) dollars.
(Ord. 1982 c. 5)

19. *Parkway or Street Occupancy Permit for Window Glazing.* The fee for a permit to occupy or obstruct a portion or portions of a parkway, other way under the control of the Parks and Recreation Commission, street or streets for the purpose of glazing one or more window sashes of a specified building or structure shall be ten (\$10.00) dollars for each monthly period for which such permit is granted; and the fee for an annual permit so granted to occupy and obstruct portions of parkways, other ways under the control of the Parks and Recreation Commission, or streets for the purpose of glazing window sashes of buildings and structures shall be six hundred (\$600.00) dollars.
(Ord. 1982 c. 5)

20. *Pawnbroker's License.* The fee for a pawnbroker's license granted by the Police Commissioner under Section 70 of Chapter 140 of the General Laws shall be one hundred (\$100.00) dollars.

(Ord. 1976 c. 11; Ord. 1985 c. 4 § 60)

21. *Peddlers.* See "Hawkers and Peddlers."

22. *Physician's Certificate.* The fee of the City Clerk for recording under Section 8 of Chapter 112 of the General Laws a physician's certificate of registration, or, in a case where it is lost, the certified statement provided for by said Section 8, shall be ten (\$10.00) dollars.

(Ord. 1976 c. 11)

23. *Picnic Grove License.* The fee for a license to establish, let, keep open, maintain a grove to be used for picnics and other lawful gatherings granted by the Licensing Board under Section 188 of Chapter 140 of the General Laws shall be two hundred (\$200.00) dollars.

(Ord. 1976 c. 11; Ord. 1981 c. 35)

24. *Plastics, Permit to Manufacture or Handle.* The fee for a permit granted by the Chief of the Fire Department under Section 15.10 of the Boston Fire Prevention Code to manufacture and/or handle plastics shall be three hundred (\$300.00) dollars annually.

(Ord. 1976 c. 11; Ord. 1985 c. 4 § 61)

25. *Playing Fields.* The fee to be charged by the Commissioner of Parks and Recreation for the use of a lighted playing field shall be twenty-five (\$25.00) dollars per hour in the case of residents of the City of Boston and in the case of users who are not residents of the City of Boston, the fee for such use of a lighted playing field shall be fifty (\$50.00) dollars per hour. Said fee shall not be charged to any organization who can demonstrate to the Park Commissioner its affiliation with an organized youth recreation group and/or an organized neighborhood youth group — including, but not limited to, the Little League, Babe Ruth League, Ted Williams League, City of Boston Youth League, CYO, and/or any neighborhood youth athletic team. All proceeds from these fees shall be used exclusively for Parks and Recreation purposes.

(New; Ord. 1981 c. 5)

26. *Pledge of Personal Property.* See "Personal Property in Pledge."

27. *Plumbing Installation, Alteration or Repair Permit.* The fee of the Commissioner of Inspectional Services for receiving an application for a permit under Section 113 of the Commonwealth of Massachusetts State Building Code to install, alter, or repair plumbing in any construction or existing structure shall be a primary fee of ten (\$10.00) dollars plus a fee of three (\$3.00) dollars for each fixture to be installed, altered, or substantially repaired.

(Ord. 1976 c. 11; Ord. 1981 c. 28)

28. *Podiatrist's Certificate.* The fee of the City Clerk for recording under Section 21 of Chapter 112 of the General Laws the name and address of a registered podiatrist and the date and number of his certificate shall be ten (\$10.00) dollars.
(Ord. 1976 c. 11)

29. *Pool Room License.* The fees for a license to keep a billiard, pool, or sippio table for hire, gain, or reward granted by the Licensing Board under Section 177 of Chapter 140 of the General Laws shall be a primary fee of thirty (\$30.00) dollars and an additional fee of twenty (\$20.00) dollars for each table.
(Ord. 1976 c. 11; Ord. 1981 c. 35)

30. *Poultry, Permit to Keep.* The fee for an annual permit to keep poultry granted by the Board of Health and Hospitals under Subsection 16-1.8 shall be a primary fee of twenty (\$20.00) dollars and an additional fee of ten (\$10.00) dollars for each fifty (50) kept.
(Ord. 1976 c. 11; Ord. 1981 c. 34)

31. *Poultry Slaughterhouse License.* The fee for a license granted by the Board of Health and Hospitals under Section 139A of Chapter 94 of the General Laws for the maintenance of an establishment for the slaughtering of poultry shall be one hundred (\$100.00) dollars.
(Ord. 1976 c. 11)

32. *Power of Attorney.* The fee of the City Clerk for recording under Section 3 of Chapter 255 of the General Laws a power of attorney shall be ten (\$10.00) dollars.
(Ord. 1976 c. 11; Ord. 1981 c. 13)

33. *Private Fire Alarm, License to Connect.* The fee for a license granted by the Fire Commissioner under Section 12.13 of the Boston Fire Protection Code to connect a private alarm system to the Fire Alarm Division of the Department shall be, for each unique signal so connected, for structures classified in use items one (1) through ten (10), sixteen (16), seventeen (17), twenty-one (21) and twenty-nine (29) of the Boston Zoning Code, twenty-five (\$25.00) dollars annually, and in every other use group of said Code, one thousand (\$1,000.00) dollars annually, plus, in either case, an additional fee, as follows: For every alarm system malfunction resulting in a Fire Department response in the then next prior licensed year, one hundred (\$100.00) dollars for each such through the fifth malfunction; two hundred (\$200.00) dollars for each such in excess of five (5) but less than eleven (11); four hundred (\$400.00) dollars for each such in excess of ten (10) but less than sixteen (16); and eight hundred (\$800.00) dollars for each such in excess of fifteen (15). For the purposes of this paragraph, a malfunction is defined as the failure of an alarm system to operate in the normal or usual manner, due to improper installation and/or maintenance of the system, resulting in the transmittal of a needless alarm signal to the Fire Department. Any fee imposed hereunder may be prorated for the months effective. No private fire alarm

system shall be installed or operated after March 1, 1982 without the license provided herein.

(New; Ord. 1981 c. 22; Ord. 1982 c. 1)

34. *Proprietors of Common Property; Deposit of Records Of.* The fee of the City Clerk for receiving records of the proprietors of common property deposited under Section 15 of Chapter 179 of the General Laws shall be five (\$5.00) dollars.
(Ord. 1976 c. 11)

35. *Public Grounds; Permits for Use for Commercial Purposes or When Admission Is to Be Had for Consideration Paid and Other Uses.* The fee for a permit for use of public grounds for the purpose of conducting an event, show, exhibition, amusement, or the like, upon any public grounds owned or controlled by, or in the care of, the City or any department or division thereof, including the Common, shall be one hundred (\$100.00) dollars and in addition, such amount as the Board or officer exercising care or control with respect thereto shall determine approximates the cost to the City of police and fire protection, control of traffic, cleaning, repairs and restoration of the grounds, and such other costs to the City as such will cause, on or about the premises in those cases where such use is for commercial purposes; where admission is restricted to those making a payment of money or a thing of value; and, one hundred (\$100.00) dollars otherwise, provided that nothing herein shall require the issuance of such a permit.
(Ord. 1982 c. 40 § 1)

36. *Public Records; Furnishing Copy Of.* Except as otherwise expressly provided by this section, the fee for the furnishing under Section 10 of Chapter 66 of the General Laws by any Board or Officer of the City a copy of a public record in his or its custody shall be fifty (\$.50) cents for each page or part thereof, not exceeding nine (9") inches by fourteen (14") inches, except that the fee for furnishing copies of plans and of records larger than nine (9") inches by fourteen (14") inches shall be two (\$2.00) dollars for each sheet, page, or part thereof.
(Ord. 1976 c. 11; Ord. 1982 c. 4)

37. *Public Utility; Condensed Return.* The fee of the City Clerk for receiving and filing under Section 84A of Chapter 164 of the General Laws or under Section 12A of Chapter 166 of the General Laws, a copy of a condensed return of business and financial condition shall be ten (\$10.00) dollars.
(Ord. 1976 c. 11; Ord. 1981 c. 13)

38. *Public Utility Locations Granted by Building Commissioner.** The fee of the City Clerk for recording under Section 22 of Chapter 166 of the General Laws an attested copy of an order of the Building Commissioner granting under Chapter 268 of the Special Acts of 1915 a location for underground wires, cables, conductors, or conduits shall be twenty-five (\$25.00) dollars.
(Ord. 1976 c. 11; Ord. 1981 c. 13)

*Editor's Note: The Building Department and the Housing Inspection Department were abolished and all powers and duties transferred to the Inspectional Services Department by Ch. 19 of the Ordinances of 1981 (Section 9-9 of this Code).

39. *Public Utility Locations Granted by D.P.U.* The fee of the City Clerk for recording under Section 70A of Chapter 164 of the General Laws an attested copy of an order of the State Department of Public Utilities granting a location for a main for the transmission of gas, or for recording under Section 28 of Chapter 166 of the General Laws an attested copy of an order of said Department granting a location for a line for the transmission of electricity, including in either case, certificate by Clerk of said Department as to notice and hearing, shall be twenty-five (\$25.00) dollars.

(Ord. 1976 c. 11; Ord. 1981 c. 13)

40. *Public Utility Locations Granted by M.D.C.* The fee of the City Clerk for recording under Section 46 of Chapter 92 of the General Laws an attested copy of an order of the Metropolitan District Commission granting under Sections 43 and 44 of said Chapter, or altering, extending, or revoking under Section 45 of said Chapter, a location, shall be twenty-five (\$25.00) dollars.

(Ord. 1976 c. 11; Ord. 1981 c. 13)

41. *Public Utility Locations Granted by Public Improvement Commission.* The fee of the City Clerk for recording under Section 22 of Chapter 166 of the General Laws an attested copy of an order of the Public Improvement Commission granting a location, or an alteration of transfer thereof, or authorizing an increase in the number of wires or cables or attachments shall be twenty-five (\$25.00) dollars.

(Ord. 1976 c. 11; Ord. 1981 c. 13)

42. *Public Way, Certificate of Existence Of.* The fee of the City Clerk for furnishing under Section 79F of Chapter 233 of the General Laws a certificate that a particular way is a public way as a matter of record shall be five (\$5.00) dollars.

(Ord. 1976 c. 11; Ord. 1981 c. 13)

43. *Public Works.* See "Public Buildings and Works."

44. *Pulverizing Plant Permit.* The fee for a permit granted by the Chief of the Fire Department under Section 10.03 of the Boston Fire Prevention Code to operate a pulverizing plant shall be three hundred (\$300.00) dollars annually.

(Ord. 1976 c. 11; Ord. 1985 c. 4 § 62)

18-1.17 "Q" Fees and Charges. Reserved.

18-1.18 "R" Fees and Charges.

1. *Radioactive Material, Permit to Handle and Store.* The fee for a permit granted by the Chief of the Fire Department under Section 20.03 of the Boston Fire Prevention Code to handle and store more than five hundred (500) millicuries of radioactive material shall be three hundred (\$300.00) dollars annually.

(Ord. 1976 c. 11; Ord. 1981 c. 22; Ord. 1985 c. 4 § 63)

2. *Raffle or Bazaar, Permit For.* The fee of the City Clerk receiving under Section 7A of Chapter 271 of the General Laws an application for a permit to conduct a raffle or bazaar shall be thirty (\$30.00) dollars.
(Ord. 1976 c. 11; Ord. 1981 c. 13)

3. *Railroads and Railways; Claim (for Labor) Against.* The fee of the City Clerk for receiving and filing a sworn statement executed under Section 99 of Chapter 159 of the General Laws shall be five (\$5.00) dollars.
(Ord. 1976 c. 11)

4. *Railroads and Railways; Claim (for Materials) Against.* The fee of the City Clerk for receiving and filing under Section 98 of Chapter 159 of the General Laws a written notice or intention to claim a right of action under Section 96 of said Chapter against a railroad or railway shall be five (\$5.00) dollars.
(Ord. 1976 c. 11)

5. *Real Estate Tax Payment Certificate.* The fee for a certificate of the payment of a tax given by the Collector-Treasurer under Section 60 of Chapter 60 of the General Laws shall be two (\$2.00) dollars.
(Ord. 1976 c. 11; Ord. 1981 c. 24)

6. *Refuse, Reception of at Sanitary Landfill.* The charge to be paid to the Public Works Department for receiving refuse for disposal at a sanitary landfill other than from a contractor acting for said Department shall be four (\$4.00) dollars for each cubic yard.
(Ord. 1976 c. 11; Ord. 1982 c. 5)

7. *Refuse; Removal Of.* The charge to be paid the Public Works Department for removing refuse which by Subsection 11-6.1, said department is authorized but not required to remove, shall be eighty (\$.80) cents a barrel.
(Ord. 1976 c. 11)

8. *Refuse; Permit to Transport.* The fee for a permit to transport refuse matter through the streets of the City granted by the Commissioner of Public Works under Subsection 16-1.20 shall be two hundred (\$200.00) dollars for each vehicle used in such transportation; provided, however, that for a vehicle which is under contract with the City of Boston for such use the fee shall be one hundred (\$100.00) dollars.
(Ord. 1976 c. 11; Ord. 1982 c. 5)

9. *Registered Bonds; Issuance Of.* The fee of the Collector-Treasurer for issuing, pursuant to Sections 4, 5, and 6 of Chapter 107 of the General Laws, a registered bond, promissory note, or certificate of indebtedness of the City in exchange for any other bond, promissory note, or certificate of indebtedness of the City shall be two (\$2.00) dollars.
(Ord. 1976 c. 11; Ord. 1981 c. 24)

10. *Registration of Beverage Bottles.* The fee of the City Clerk for receiving and filing under Section 17 of Chapter 110 of the General Laws a description of the name used by a person engaged in manufacturing, bottling, or selling beverages in vessels shall be two (\$2.00) dollars.

(Ord. 1976 c. 11)

11. *Registration of Milk, Cream, and Ice Cream Cans.* The fee of the City Clerk for receiving and filing under Section 21 of Chapter 110 of the General Laws a description of the name used by a person engaged in buying, selling, or dealing in milk or cream in cans, or who uses cans, tubs, or cabinets in the sale, transportation, or storage of frozen desserts and/or ice cream mix shall be two (\$2.00) dollars.

(Ord. 1976 c. 11)

12. *Registration of Permission to Use Another's Name on Milk Bottles.* The fee of the Inspector of Milk for registering under Section 45 of Chapter 94 of the General Laws written permission to use the name of another on, or on cap, tag, or label attached to, milk vessels shall be two (\$2.00) dollars.

(Ord. 1976 c. 11)

13. *Registration of Towels, Garments, Aprons, and Linens.* The fee of the City Clerk for receiving and filing under Section 25A of Chapter 110 of the General Laws a description of the name used by a person engaged in the business of supplying or furnishing for hire or compensation on a rental or lease basis clean laundered garments, towels, aprons, bed linen, or table linen shall be five (\$5.00) dollars.

(Ord. 1976 c. 11)

14. *Resident Listing; Computer Tape Of.* The charge to be paid for a computer tape of the annual list of residents issued by the Election Commissioners shall be seven hundred fifty (\$750.00) dollars per copy and a charge of two hundred fifty (\$250.00) dollars to up-date said tape, upon surrender of the tape originally supplied.

(Ord. 1976 c. 11; Ord. 1981 c. 27)

15. *Resident Listing; Printed List Of.* The charge to be paid for the annual list of residents, issued by the Listing Board, printed in book form, shall be three hundred (\$300.00) dollars or two (\$2.00) dollars per precinct, provided, however, that there shall be issued to each certified candidate for public office a set of the current annual list of residents for the complete district in which said candidate is seeking office.

(Ord. 1976 c. 11; Ord. 1981 c. 27)

16. *Retail Food Establishment; Permit For.* The fee for a permit granted by the Board of Health and Hospitals under Subsection 16-1.5 for the operation of a retail food establishment shall be twenty-five (\$25.00) dollars plus fifty (\$50.00) dollars for each one thousand (1,000) square feet, or portion thereof, in excess of

twenty-five hundred (2,500) square feet of floor area used for the storage, preparation or merchandising of foodstuffs, excluding therefrom such area as is devoted to the manufacture of baked goods and/or to food service, for which a fee is paid under these Ordinances.

(Ord. 1976 c. 11; Ord. 1977 c. 9; Ord. 1981 c. 34; Ord. 1985 c. 4 § 77)

17. *Rock Concert License.* The fee for a license granted by the Mayor under Section 181 of Chapter 140 of the General Laws for the presentation of a rock concert, so-called, shall be one hundred (\$100.00) dollars.

(Ord. 1976 c. 11)

18. *Roller Coaster License.* The fee for a license granted by the Mayor under Section 186 of Chapter 140 of the General Laws to establish, keep open, and maintain an inclined railway at a carnival, fifteen (\$15.00) dollars for each day on which such license may be exercised; and in the case of such an inclined railway other than at a carnival, fifty (\$50.00) dollars for each monthly period in which such license may be exercised; except that in the case of a roller coaster exclusively for children under thirteen (13), such fee shall be twenty-five (\$25.00) dollars for each monthly period.

(Ord. 1976 c. 11)

19. *Roller Skating Rink License.* The fee for an annual license granted by the Mayor under Section 186 of Chapter 140 of the General Laws to establish, keep open, and maintain a skating rink to be used for roller skating shall be fifty (\$50.00) dollars.

(Ord. 1976 c. 11)

20. *Rubbish Containers, Fee for Permit for Approved Containers, Movable Only with Mechanical Assistance.* The fee for a permit granted by the Chief of the Fire Department under Section 29.02(b) or 29.02(c) of the Boston Fire Prevention Code for the placement of approved metal rubbish containers movable only with mechanical assistance shall be ten (\$10.00) dollars for each container annually.

(Ord. 1985 c. 4 § 64)

21. *Rubbish Containers, Fee for Permit to Maintain.* The fee for a permit granted by the Chief of the Fire Department under Section 29.02(a) of the Boston Fire Prevention Code to store or handle for a period in excess of twenty-four (24) hours, combustible rubbish on a premises in an amount in excess of three (3) cubic yards shall be twenty-five (\$25.00) dollars per month for the first three (3) months or three hundred (\$300.00) dollars per year.

(Ord. 1985 c. 4 § 64)

18-1.19 "S" Fees and Charges.

1. *Sailboat; Rental Of.* The fee to be charged by the Parks and Recreation Commission for the rental of a sailboat shall be, in the case of a person not

resident in the City, four (\$4.00) dollars for each hour of use or fraction thereof, and, in the case of a resident in the City, two (\$2.00) dollars for each hour of use or fraction thereof.

(Ord. 1976 c. 11; Ord. 1982 c. 5)

2. *Sale of Article.* Except as otherwise expressly provided in this section, the charge to be paid a Board or Officer for furnishing an article in the exercise of the powers, or the performance of the duties, of such Board or Officer shall be such sum as such Board or Officer shall determine approximates the cost of furnishing such article.

(Ord. 1976 c. 11)

3. *Sausages and Chopped Meat; License to Manufacture.* The fee for an annual license granted by the Board of Health and Hospitals pursuant to Section 144 of Chapter 94 of the General Laws to carry on an establishment for the manufacture of sausages and chopped meat, or either, shall be one hundred (\$100.00) dollars.

(Ord. 1976 c. 11)

4. *Secondhand Dealer's License.* The fee for an annual license to be a dealer in, or keeper of a shop for the purchase, sale or barter of secondhand articles granted by the Police Commissioner under Subsection 17-4.1 shall be one hundred fifty (\$150.00) dollars.

(Ord. 1976 c. 11; Ord. 1985 c. 4 § 65)

5. *Secondhand Motor Vehicles.* The fee for used car dealer's licenses, agent's or seller's licenses and motor vehicle junk licenses granted by the Police Commissioner under Section 59 of Chapter 140 of the General Laws shall be respectively fixed by the Police Commissioner under said Section 59.

(Ord. 1976 c. 11)

6. *Sewer Entrance Permit.* * The fee for a permit granted by the Commissioner of Public Works under Subsection 11-6.10 to enter a particular drain into a public sewer shall be, in the case of said drain being connected from a residential premises of six (6) or less units, fifty (\$50.00) dollars; in the case of said drain being connected from commercial or industrial premises or residential premises of seven (7) or more units, one hundred (\$100.00) dollars.

(Ord. 1976 c. 11)

7. *Shellfish Permits.* The fee for an annual family-use shellfish permit shall be fifteen (\$15.00) dollars and the fee for a commercial use shellfish permit shall be sixty (\$60.00) dollars.

(Ord. 1976 c. 11; Ord. 1981 c. 16)

***Editor's Note:** The water works system and the sewer works system of the Department of Public Works were abolished and the duties transferred to the Boston Water and Sewer Commission by Ch. 436 of the Acts of 1977.

8. *Sidewalk Crossing Permit.* The fee for an annual permit to drive a motor vehicle upon or across a sidewalk at a specified location granted by the Commissioner of Public Works, or in the case of sidewalks under control of the Parks and Recreation Commission, shall be one hundred (\$100.00) dollars provided that there shall be no permit required for the crossing of a sidewalk for a non-business purpose, or for the delivery of fuel or removal of refuse, when such is done agreeably to regulations of the Commissioner, or the Commission, and such crossing shall constitute the assumption of all risks connected therewith and an agreement to hold, defend, save harmless and indemnify the City from any claim of any person whatsoever arising out of such crossing.
(Ord. 1976 c. 11; Ord. 1982 c. 5)

9. *Sight-Seeing Automobiles.* The fee for a license granted by the Police Commissioner under Section 3 of Chapter 399 of the Acts of 1931 for a sight-seeing automobile shall be ten (\$10.00) dollars for each commercial seating accommodation.
(Ord. 1976 c. 11; Ord. 1985 c. 4 § 66)

10. *Sight-Seeing Automobile Drivers.* The fee for a sight-seeing automobile driver's license granted by the Police Commissioner under Section 3 of Chapter 399 of the Acts of 1931 shall be thirty (\$30.00) dollars.
(Ord. 1976 c. 11; Ord. 1985 c. 4 § 67)

11. *Smoke Detection Devices; Inspection Of.* The fee of the Commissioner of Inspectional Services for the inspection of electrical smoke detection devices shall be a primary fee of five (\$5.00) dollars and an additional fee of one (\$1.00) dollar for each detection device inspected; provided, however, that in cases in which the inspection of electrical wiring and fixtures is conducted under Subsection 18-1.5, 2, at the same time electrical smoke detection devices are inspected, only the primary fee of five (\$5.00) dollars shall be assessed.
(New; Ord. 1981 c. 28)

12. *Smoke Detection Systems, Inspection Of.* The fee for an inspection performed at the direction of the Chief of the Fire Department under Massachusetts General Laws, Chapter 148, Section 26F et seq. shall be twenty-five (\$25.00) dollars for a single family home, plus an additional fee of five (\$5.00) dollars for each additional unit up to five (5) units per inspection. In the case of a structure containing six (6) or more units, the fee for said inspection shall be twenty-five (\$25.00) dollars for the initial site visit and inspection plus an additional five (\$5.00) dollar fee per unit inspected. If a reinspection is necessary, the fee for such reinspection shall be twenty-five (\$25.00) dollars plus an additional five (\$5.00) dollar fee per unit reinspected.
(Ord. 1985 c. 4 § 68)

13. *Sound Trucks.* The fee for an itinerant musician's license granted by the Police Commissioner under Subsection 16-12.24 for a sound truck engaged in

advertising goods, wares, or merchandise for sale shall be five (\$5.00) dollars for each day for which such license is granted.

(Ord. 1976 c. 11)

14. *Special Police Officers.* The fee of the Police Commissioner for appointing a person a special police officer under Chapter 282 of the Acts of 1898 shall be one hundred (\$100.00) dollars.

(Ord. 1976 c. 11; Ord. 1985 c. 4 § 69)

15. *Sporting License.* The fee for a sporting license issued by the City Clerk under Chapter 131 of the General Laws shall be as prescribed by Section 8 of said Chapter 131.

(Ord. 1976 c. 11)

16. *Sprinkler System; Inspection Of.* See "Fire Suppression System, Testing and Inspection of, Subsection 18-1.6, 23.

17. *Sprinkler System, Permit for Disconnection Of.* The fee for a permit granted by the Head of the Fire Department under Section 27A of Chapter 148 of the General Laws shall be fifteen (\$15.00) dollars.

(Ord. 1976 c. 11; Ord. 1981 c. 22)

18. *Sprinkler System; Permit for Installation, Alteration, or Repair Of.* See "Fire Suppression System, Permit for Installation, Alteration or Repair Of, Subsection 18-1.6, 24.

19. *Stables.* The fee for a license to occupy or use a building for a stable granted by the Board of Health and Hospitals under Chapter 89 of the Acts of 1889 shall be one hundred twenty-five (\$125.00) dollars.

(Ord. 1976 c. 11; Ord. 1981 c. 34)

20. *Stallion Registration.* The fee of the City Clerk for recording under Section 176 of Chapter 140 of the General Laws the certificate for a stallion kept for breeding purposes shall be one (\$1.00) dollar.

(Ord. 1976 c. 11)

21. *Standpipe Disconnection.* See "Sprinkler System Disconnection."

22. *Starch Mill; Permit to Operate.* The fee for a permit granted by the Chief of the Fire Department under Section 10.03 of the Boston Fire Prevention Code to operate a starch mill shall be three hundred (\$300.00) dollars annually.

(Ord. 1976 c. 11; Ord. 1985 c. 4 § 70)

23. *Street Occupancy Permit for Advertising Vehicle.* The fee for a permit granted by the Commissioner of Public Works for a person to operate in the streets north and east of Massachusetts Avenue, or any of them, a vehicle used principally for advertising shall be one hundred (\$100.00) dollars for each day for which such permit is granted.

(Ord. 1976 c. 11; Ord. 1982 c. 5)

24. *Street or Parkway Occupancy Permit for Advertising by Placard.* The fee for a permit for a person, while on foot in a street, parkway, or other way under the control of the Parks and Recreation Commission, to carry and display one or more show cards, placards, or signs for the purpose of advertising goods, wares, or merchandise for sale shall be ten (\$10.00) dollars except that in cases where such a permit is granted for a period longer than one month, the fee therefor shall be ten (\$10.00) dollars for each monthly period for which it is granted.
(Ord. 1976 c. 11; Ord. 1982 c. 5)

25. *Street or Parkway Opening Permit.* The fee for a permit granted to open a street, parkway or other way under the control of the Parks and Recreation Commission or portion thereof shall be, in the case of an opening for the purpose of constructing a driveway, and also in the case of an opening for the purpose of entering a particular drain into a public sewer, twenty (\$20.00) dollars; and in the case of an opening for the purpose of constructing or reconstructing roadways and sidewalks or either, two (\$2.00) dollars for each fifty (50) linear feet of opening as measured by the sidelines of the way, but in no event less than twenty (\$20.00) dollars; and in the case of an opening for any other purpose, two (\$2.00) dollars for each fifty (50) square feet of the way to be opened, but in no event less than twenty (\$20.00) dollars; provided that the fee for an annual permit granted to a so-called district contractor to open streets, parkways, or other way under the control of the Parks and Recreation Commission or portions thereof for the purpose of repairing roadways and sidewalks in such district shall be fifty (\$50.00) dollars.
(Ord. 1976 c. 11; Ord. 1982 c. 5)

26. *Sunday Entertainment License.*

a. The fee for a license granted by the Mayor under Section 4 of Chapter 136 of the General Laws for dancing on a Sunday or for a game, sport, fair, exposition, play, entertainment, or public diversion on a Sunday shall be a primary fee of twenty-five (\$25.00) dollars; and if a payment or collection of money or other valuable consideration is made for the privilege of being present thereat or engaging therein and the licensee or a predecessor of the licensee has previously in this City on a Sunday offered to view, set up, establish, or maintain similar dancing or a similar game, sport, fair, exposition, play, entertainment, or public diversion, an additional fee of fifteen (\$15.00) dollars for each thousand (1,000) of the average Sunday paid attendance during the last such dance, game, sport, fair, exposition, play, entertainment, or public diversion so offered to view, set up, established, or maintained; provided, however, that:

(1) In cases where the license is for a bowling alley or for billiard, pool, or sippio tables, the fee shall be five (\$5.00) dollars;

(2) In cases where the license is solely for entertainment provided by not exceeding four (4) instrumentalists on premises where there is no admission or cover charge, the fee shall be five (\$5.00) dollars;

(3) In cases where the license is solely for entertainment through the use of television, radio, and music provided by mechanical or electrical means, or any of them, on premises where there is no admission or cover charge, the fee shall be two (\$2.00) dollars;

(4) In cases where the license is for dancing at a wedding or celebration of a religious custom or ritual, there shall be no charge; and

(5) In cases where the license is for a game, sport, fair, exposition, play, entertainment, or public diversion conducted under the auspices of a religious society for a religious or charitable purpose in a place of worship or a hall used in connection therewith, there shall be no fee.

b. The fee for an annual license granted by the Mayor under said Section 4 shall be:

(1) In the case of a license for dancing, two hundred (\$200.00) dollars;

(2) In the case of a license to offer to view motion pictures, two hundred (\$200.00) dollars, providing, however, in the case where there is no fee or cover charge to view motion pictures there shall be no fee;

(3) In the case of a license for entertainment solely through the use of television, radio, and music provided by mechanical or electrical means, or any of them, sixty (\$60.00) dollars; and

(4) In the case of a license for a bowling alley or billiard, pool, or sippio tables, a primary fee of ten (\$10.00) dollars and an additional fee of five (\$5.00) for each alley, bed, or table.

c. The fees fixed by this paragraph shall be in addition to any sum payable to the State Commissioner of Public Safety.

(Ord. 1976 c. 11, c 18; Ord. 1977 c. 2)

27. *Sunday Work Permit.* The fee for a permit granted by the Police Commissioner or his designee under Section 7 of Chapter 136 of the General Laws for the performance on a Sunday, or a legal holiday to which Sections 5 to 11, inclusive, of said Chapter 136 apply, of necessary work or labor which could not be performed on any other day without serious suffering, loss, damage, public inconvenience, or delay to military defense work shall be five (\$5.00) dollars.

(Ord. 1976 c. 11)

28. *Swimming or Wading Pool, Public or Semi-Public.* The fee for a permit granted by the Board of Health and Hospitals under the State Sanitary Code for the operation of a public or semi-public swimming or wading pool shall be, in the case of a permanent year-round operation, one hundred fifty (\$150.00) dollars; and in the case of a permit for summer seasonal operation, seventy-five (\$75.00) dollars.

(Ord. 1976 c. 11; Ord. 1981 c. 34)

18-1.20 "T" Fees and Charges.

1. *Tank Vehicle; Inspection Of.* The fee to be charged by the Chief of the Fire Department for inspecting any tank vehicle used for the transportation of Class A or Class B flammable liquids shall be fifty (\$50.00) dollars for each biennial inspection provided, however, should additional inspection be required the fee for each additional inspection shall be twenty-five (\$25.00) dollars.
(Ord. 1976 c. 11; Ord. 1985 c. 4 § 72)

2. *Target Practice Range License.* The fee for a target practice range license granted by the City Council under Subsection 16-5.1 shall be one hundred (\$100.00) dollars.
(Ord. 1976 c. 11; Ord. 1981 c. 26)

3. *Taxes.* See "Assessor's Certificate," also "Municipal Lien Certificate," also "Real Estate Tax Payment Certificate."

4. *Taxicab Licenses.* See "Hackney Carriage Licenses."

5. *Temporary Food Service Establishment; Permit For.* The fee for a permit granted by the Board of Health and Hospitals under the State Sanitary Code for the operation of a temporary food service establishment shall be: twenty (\$20.00) dollars for the first day or portion thereof in any one time period consisting of consecutive days, and five (\$5.00) dollars for every additional day within the same time period.
(Ord. 1981 c. 34)

6. *Tire Recapping Plant Permit.* The fee for a permit granted by the Chief of the Fire Department under Section 2.02 of the Boston Fire Prevention Code to conduct and maintain a tire recapping or rebuilding plant shall be three hundred (\$300.00) dollars annually.
(Ord. 1976 c. 11; Ord. 1981 c. 22; Ord. 1985 c. 4 § 73)

7. *Torch in Open Air.* See "Fire (Small or Torch) in Open Air."

8. *Trailer Coach Park License.* The fee for a trailer coach park license granted by the Board of Health and Hospitals under Section 32B of Chapter 140 of the General Laws shall be, in the case of an original license, two hundred fifty (\$250.00) dollars, plus the cost of the notice of hearing, and, in the case of a renewal license, one hundred (\$100.00) dollars. The fee provided in the preceding sentence shall be in addition to the additional license fee, granted by the Board of Health and Hospitals under Section 32G of Chapter 140 of the General Laws, which shall be twelve (\$12.00) dollars per trailer. The City Clerk shall receive no fee for receiving and filing any copy of a trailer coach park license sent him by the Board of Health and Hospitals pursuant to Section 32F of said Chapter 140.
(Ord. 1981 c. 34)

9. *Transient Vendor's License.* The fee for a license issued to a transient vendor by the City Clerk under Section 5 of Chapter 101 of the General Laws shall be an amount equal to the tax assessable under the tax levy last preceding the issue of such license upon property having a valuation equal to the valuation certified under Subsection 17-14.1; provided that the fee for a license so issued to a transient vendor who, in the year in which such license is issued, has been or will be assessed taxes upon his stock in trade by the Commissioner of Assessing shall be twenty (\$20.00) dollars.
(Ord. 1976 c. 11)

10. *Trapping License.* The fee for a trapping license issued by the City Clerk under Chapter 131 of the General Laws shall be as prescribed by Section 11 of said Chapter 131.
(Ord. 1976, c. 11)

11. *Trust Instruments and Amendments.* The fee of the City Clerk for receiving and filing under Section 2 of Chapter 182 of the General Laws a copy of a written instrument or declaration of trust, or a copy of an amendment thereof, shall be thirty (\$30.00) dollars.
(Ord. 1976 c. 11; Ord. 1981 c. 13)

12. *Trust Merged Into Corporation.* The fee of the City Clerk for receiving and filing under Section 46A of Chapter 156 of the General Laws a copy, certified by the Secretary of the Commonwealth, of articles of amendment in connection with the merger of a trust into a corporation or a certificate issued pursuant to Section 46F of said Chapter 156 evidencing the filing of such articles with such Secretary shall be twenty-five (\$25.00) dollars.
(Ord. 1976 c. 11; Ord. 1981 c. 13)

18-1.21 "U" Fees and Charges.

1. *Use and Occupancy; Certificate Of.* The fee for issuing a certificate of use and occupancy pursuant to Section 119.0 of the Commonwealth of Massachusetts State Building Code shall be, in the case of residential use groups, a primary fee of twenty-five (\$25.00) dollars, plus an additional fee of twenty-five (\$25.00) dollars for each unit in excess of three (3) units; in the case of places of assembly, fifty (\$50.00) dollars; and for all other use groups, a primary fee of fifty (\$50.00) dollars, plus an additional fee of twenty-five (\$25.00) dollars for each thousand (1,000) square feet of gross area contained in the building or structure for which the certificate is issued.
(New; Ord. 1981 c. 29)

2. *Use Permit.** The fee of the Building Commissioner for issuing a use permit under Section 4-3 of the Boston Zoning Code shall be fifty (\$50.00) dollars.
(Ord. 1981 c. 28)

***Editor's Note:** The Building Department and the Housing Inspection Department were abolished and all powers and duties transferred to the Inspectional Services Department by Ch. 19 of the Ordinances of 1981 (Section 9-9 of this Code).

3. *Used Car Dealer's License.* See "Second Hand Motor Vehicles."

18-1.22 "V" Fees and Charges.

1. *Vessels, Liens On.* The fee of the City Clerk for recording a statement filed under Section 15 of Chapter 255 of the General Laws to enforce a lien on a vessel shall be one (\$1.00) dollar for each page or part thereof, but in no event less than five (\$5.00) dollars.

(Ord. 1976 c. 11)

2. *Voter or Listing Certificate.* The fee of the Board of Election Commissioners for furnishing a certificate as to the appearance of a particular name on an annual register of voters, or received by said Commissioners for furnishing in the name of the assessor a certificate as to the listing of a particular name on the annual listing of residents under Chapter 29 of the Acts of 1917, as amended, shall be two (\$2.00) dollars for each date specified provided that in cases where the Board's minutes of the naturalization of such person are included therein on request therefor, the fee shall be four (\$4.00) dollars.

(Ord. 1976 c. 11; Ord. 1981 c. 27)

18-1.23 "W" Fees and Charges.

1. *Wagon and Handcart Licenses.* The fee for an annual license granted by the Police Commissioner under rules made by him in the exercise of such of the powers arising from Section 22 of Chapter 40 of the General Laws as are vested in him by or under the City Charter shall be five (\$5.00) dollars.

(Ord. 1976 c. 11)

2. *Waste Material Handling Plant Permit.* The fee for a permit granted by the Chief of the Fire Department under Section 3.02 of the Boston Fire Prevention Code to conduct or maintain a waste material handling plant shall be three hundred (\$300.00) dollars annually.

(Ord. 1976 c. 11; Ord. 1981 c. 22; Ord. 1985 c. 4 § 74)

3. *Water Meter; Examination and Test Of.** The fee of the Commissioner of Public Works for examining and testing a water meter under Section 10 of Chapter 165 of the General Laws shall be ten (\$10.00) dollars.

(Ord. 1976 c. 11)

4. *Weights and Measures; Adjustment Of.* The charge for the repair, alteration, or adjustment of any weight, scale, balance, measure, or measuring device shall be a minimum of one (\$1.00) dollar and three (\$3.00) dollars for each fifteen (15) minutes or fraction thereafter.

(Ord. 1976 c. 11; Ord. 1981 c. 15)

*Editor's Note: The water works system and the sewer works system of the Department of Public Works were abolished and the duties transferred to the Boston Water and Sewer Commission by Ch. 436 of the Acts of 1977.

5. *Weights and Measures; Sealing Of.* The fee for the sealing of a weight or measure under Sections 41 to 53 inclusive, or any of them, of Chapter 98 of the General Laws shall be:

(a) In the case of a machine or other mechanical device used for determining linear or area measurement, five (\$5.00) dollars; and

(b) In the case of a liquid capacity measure (other than a vehicle tank) with a measuring capacity of more than one gallon or a measure on a pump, one (\$1.00) dollar; and

(c) In the case of a liquid measuring meter (other than a water meter) having an inlet pipe with a diameter of one (1") inch or less, ten (\$10.00) dollars; and in the case of such a meter having an outlet pipe with a diameter of more than one (1") inch, but not more than four (4") inches, fifteen (\$15.00) dollars; and in the case of such a meter having an inlet pipe with a diameter of more than four (4") inches, thirty (\$30.00) dollars; and

(d) In the case of milk and cream bottles and jars, five (\$5.00) dollars a gross; and

(e) In the case of a scale or a balance with a weighing capacity of one hundred (100) pounds, or less, ten (\$10.00) dollars; in the case of a scale or balance with a weighing capacity of greater than one hundred (100) pounds, but less than ten thousand (10,000) pounds, twenty (\$20.00) dollars; and in the case of a scale or balance having a weighing capacity of ten thousand (10,000) pounds, or greater, seventy-five (\$75.00) dollars; and

(f) In the case of a taximeter or measuring device upon a vehicle to determine the cost of transportation, ten (\$10.00) dollars; and

(g) In the case of vehicle tank used in the sale of a commodity by liquid measure and having a single compartment, and in the case of each compartment of a vehicle tank so used having two (2) or more compartments, a primary fee of ten (\$10.00) dollars, and an additional fee of three (\$3.00) dollars for each one hundred gallons, or fraction thereof of capacity; and

(h) In the case of weights up to and including ten (10) pounds, five (\$5.00) dollars; in the case of weights greater than ten (10) pounds, up to and including fifty (50) pounds, ten (\$10.00) dollars per weight; in the case of weights over fifty (50) pounds, twenty-five (\$25.00) dollars per weight.

(Ord. 1976 c. 11; Ord. 1981 c. 15; Ord. 1982 c. 18, c. 22)

6. *Welder's Certificate of Qualification.* * The charge of the Building Commissioner for issuing a certificate of qualification as a welder shall be thirty-five (\$35.00) dollars. The applicant for such a certificate shall at his expense furnish a

***Editor's Note:** The Building Department and the Housing Inspection Department were abolished and all powers and duties transferred to the Inspectional Services Department by Ch. 19 of the Ordinances of 1981 (Section 9-9 of this Code).

suitable place for his examination, supply all structural steel bar stock and welding wire required therein, and provide for testing completed specimens. A duplicate copy of a welder's certificate of qualification shall be issued at the request of a welder for a reproduction fee of ten (\$10.00) dollars.
(Ord. 1976 c. 11; Ord. 1981 c. 28)

7. *Woodworking Plant Permit.* The fee for a permit granted by the Chief of the Fire Department under Section 23.01 of the Boston Fire Prevention Code to operate a woodworking plant, whether or not including the storage on the premises thereof in excess of one hundred thousand (100,000) board feet of lumber, shall be three hundred (\$300.00) dollars annually.
(Ord. 1976 c. 11; Ord. 1981 c. 22; Ord. 1985 c. 4 § 75)

18-1.24 "X," "Y," "Z" Fees and Charges. Reserved.

18-2 FEES BASED ON GROSS SALES.

Whenever the amount of fee for any license or permit under Section 18-1 is computed on the basis of gross sales the person seeking such license or fee shall submit to the permit or license granting agency the following information:

- a. A certified copy of State or Federal Tax return clearly showing gross sales for the establishment or entity seeking the permit or license; or
- b. A sworn statement of gross sales of the premises seeking the permit or license made by a certified public accountant; or
- c. A sworn statement made by the owner or authorized representative of the owner of the premises seeking the permit or license setting forth in detail the gross sales for the previous year broken down by source of revenue. The foregoing statement shall set forth in detail the documents and sources from which statement was derived.

Failure to provide the information set forth above or the furnishing of inadequate or incorrect information shall result in the fee being computed at the highest amount permissible under the applicable paragraph.
(Ord. 1977 c. 15)

18-3 WHEN CHARGES ARE DUE AND PAYABLE.

Except as otherwise expressly provided by Section 18-1, the entire fee fixed by said section for a permit or license shall be payable at the time of the issuance of such permit or license. The entire fee or charge fixed by Section 18-1 for furnishing an article or the use thereof or the use of a place, and the entire fee or charge so fixed for furnishing a copy or certified copy of a record or paper, and the entire fee or charge so fixed for furnishing service or work shall be payable at the time of application therefor.

(Rev. Ord. 1961 c. 30 § 2; CBC 1975 Ord. T14 § 451)

18-4 RENEWAL FEES.

Except as otherwise expressly provided in Section 18-1, the fee for the renewal of a license or permit shall equal the fee which would be payable under Section 18-1 for an original license or permit for the same purpose.

(Rev. Ord. 1961 c. 30 § 3; CBC 1975 Ord. T14 § 452)

18-5 EXEMPTIONS FOR PUBLIC OFFICIALS.

No Board, Officer or employee of the City or of the County of Suffolk shall be required to pay any fee for any license or permit required of it or him personally in the performance of its or his official duties; and no such Board, Officer or employee requiring in the performance of its or his official duties any services or work by the City or any Department, Board or Officer thereof, shall be required to pay any charge for such services or work.

(Ord. 1957 c. 4; Rev. Ord. 1961 c. 30 § 4; CBC 1975 Ord. T14 § 453)

18-6 OTHER EXEMPTIONS.

Nothing in Section 18-1 shall be construed to affect in any way the exemption from a fee or charge for a permit or license provided by Section 6 or Chapter 572 of the Acts of 1949 or by Section 6 of Chapter 669 of the Acts of 1953 or by any similar statute.

(Rev. Ord. 1961 c. 30 § 5; CBC 1975 Ord. T14 § 454)

Cross References: St. 1979 c. 572 § 6; St. 1953 c. 669 § 6.

18-7 EXEMPTION FOR BOSTON HOUSING AUTHORITY.

Neither the Boston Housing Authority nor any person acting in its stead shall be charged any fee for any license or permit for which the fee may be fixed by ordinance under Chapter 222 of the Acts of 1949.

(Rev. Ord. 1961 c. 30 § 6; CBC 1975 Ord. T14 § 455)

Cross References: St. 1949 c. 222; § 10-1.

18-8 CITY RECORD: ADVERTISING AND SUBSCRIPTION CHARGES.

The charge to be paid by Boards and Officers for the publication of advertisements in the City Record shall be four (\$4.00) dollars for each half of an inch or fraction thereof. The City Record shall be sold on the following terms payable in advance: annual subscription, sixteen (\$16.00) dollars; single copy, forty (\$.40) cents.

(Rev. Ord. 1961 c. 30 § 7; CBC 1975 Ord. T14 § 456; Ord. 1982 c. 8; Ord. 1985 c. 4 § 78)

18-9 ANNUAL SEWER USE CHARGES.*

Under authority of Section 16 of Chapter 83 of the General Laws and every other authority hereunto enabling, the annual charge for the use of the common sewers of the City by every estate in the City having one or more particular sewers discharging into such common sewers is hereby established as a primary charge of five (\$5.00) dollars, an additional charge of one (\$1.00) dollar for every thousand (1,000) cubic feet, in excess of five thousand (5,000) cubic feet, of water supplied by the City to such estate and billed in the calendar year in which the charge established by this section is assessed, and a further charge of one (\$1.00) dollar for every thousand (1,000) cubic feet of water derived or received by such estate from any other source during the period covered by such billing; provided, however, that if water so supplied, derived or received is used on the estate in such a manner as not to enter the common sewers of the City, in determining the charge established by this section the quantity of water so used shall be deducted from the aggregate amount of water so supplied, derived or received during such period; provided further that in no case shall any charge be assessed under this section in excess of a just and equitable charge; and provided also that persons exempt from the payment of water rates and charges, but only such persons, shall be exempt from the charge established by this section.

The quantity of water supplied by the City through a water meter in good working order shall be determined by the readings of such meter. The quantity of all other water shall be estimated by the Commissioner of Public Works by any reasonable and equitable method apt in the circumstances of the particular case to determine the quantity of water discharged through the particular sewer or sewers of the estate into the common sewers of the City; provided, however, in the case of water not supplied by the City but derived or received by an estate from another source, and also in the case of water used on an estate in such a manner as not to enter the common sewers of the City, that if such water is measured by one or more water meters in good working order installed and maintained on the estate by the Commissioner of Public Works at the request and expense of the owner or tenant of such estate, the quantity of water so derived or received, or the quantity of water so used, or both, as the case may be, shall be determined by the readings of such meter or meters. Water supplied by the City or any other source exclusively for fire pipe purposes shall not be included in determining the charge established by this section.

During the last three (3) months of every calendar year, the Commissioner of Public Works shall assess upon every estate in the City having a particular sewer discharging into the common sewers of the City the charge established by this section, and in January of the next following calendar year certify to the Commissioner of Assessing a list of such charges. Said Commissioner shall in his

***Editor's Note:** The water works system and the sewer works system of the Department of Public Works were abolished and the duties transferred to the Boston Water and Sewer Commission by Ch. 436 of the Acts of 1977.

order of assessment designate as the owner of a parcel assessed the person who was liable to assessment therefor on the preceding January first under the provisions of Chapter 59 of the General Laws.

(Ord. 1961 c. 11; Ord. 1962 c. 13; Ord. 1962 c. 14; Rev. Ord. 1961 (Sup. 1971) c. 30 § 8; CBC 1975 Ord. T14 § 457)

Cross References: G.L. 59; G.L. 83 § 16; ss 11-6.1.

18-10 PUBLIC TELEPHONES.

The Public Improvement Commission be and it hereby is authorized from time to time to enter into agreements with the New England Telephone and Telegraph Company providing for the installation of public telephone booths on various public sidewalks in the City of Boston and providing further for the payment to the City of Boston by the New England Telephone and Telegraph Company of commissions established in accordance with the regulations and standard rates of commission from time to time adopted by the Company.

(Ord. 1964 c. 1; Rev. Ord. 1961 (Sup. 1971) c. 30 § 9; CBC 1975 Ord. T14 § 458)

Cross Reference: Section 8-7.

18-11 FEE FOR AUGMENTED FIRE SERVICE.*

18-11.1 Definitions.

In this section, the following words and phrases shall have the meanings given in the following clauses:

a. *Augmented Fire Services Availability* (AFSA) shall mean the capacity to deliver a total fire flow in excess of three thousand five hundred (3,500) gallons per minute.

b. *Total Fire Flow* (TFF) shall mean the total fire fighting capacity, expressed in gallons per minute, necessary to extinguish a fully involved fire in any given structure, taking into account fire suppression and detection equipment and life risk as provided herein. Total fire flow shall be determined by the Fire Commissioner according to the following formula: $TFF = (NFF) \times (1-S) \times (LRF)$.

c. *Needed Fire Flow* (NFF) shall mean a factor, expressed in gallons per minute, to be determined by the Fire Commissioner, taking into account a construction type factor, an effective area factor, a use factor, an exposure factor, and a connecting passageways factor.

d. *Suppression Credit(s)* shall mean a credit determined by the Fire Commissioner to be used in determining total fireflow, taking into account the existence of fire suppression and detection equipment in a structure.

*Editor's Note: This section shall be read against *Emerson College vs. City of Boston et al*, 391 Mass. 415 which held the provisions of said section invalid.

e. *Life Risk Factor* (LRF) shall mean a factor, to be determined by the Fire Commissioner, taking into account density of occupancy, hours of occupancy, number of stories, and the existence of smoke removal equipment.
(Ord. 1982 c. 7, c. 12; Ord. 1983 c. 6)

18-11.2 Charges Determined by Fire Commissioner.

Prior to October first of each year the Fire Commissioner shall determine which structures in the City are being provided augmented fire services availability. On or before October first of each year, the owners of all such structures being provided augmented fire services availability shall be charged a fee by the Fire Commissioner, to be determined by said Fire Commissioner as provided in this section, for the provision of augmented fire services availability. Said fee shall be based on the cost of providing augmented fire services availability and shall be due and payable in two (2) equal installments; the first installment due and payable no later than December first of the year in which the charge is made, and the second installment due and payable no later than June first of the following year. The Fire Commissioner shall designate as the owner of the parcel charged the person or entity who was liable to assessment therefor on the preceding January first under the provisions of Chapter 59 of the General Laws. In the case of a condominium, as defined by Section 1 of Chapter 183A of the General Laws, the Fire Commissioner shall designate as the owner of the parcel charged the person, corporation, trust, association or other entity designated on the master deed or any amendments thereto pursuant to Section 8(i) of Chapter 183A of the General Laws.
(Ord. 1982 c. 7, c. 12; Ord. 1983 c. 6)

18-11.3 Appeal of Charge.

Upon payment of the first installment of the fee, the person or entity paying such fee may appeal the correctness of such fee by filing a notice of appeal with the Fire Commissioner on or before December first. Upon receiving a notice of appeal the Fire Commissioner shall schedule a hearing and shall notify the person or entity appealing of the date of the hearing. The person or entity who filed the appeal shall be entitled to appear at the hearing and present evidence challenging the correctness of the fee charged. The Fire Commissioner or his designee shall preside at said hearing, shall render a decision affirming the correctness of the charge or correcting said charge, and shall so notify the person or entity who filed the appeal.
(Ord. 1982 c. 7, c. 12; Ord. 1983 c. 6)

18-11.4 Sending of Revised Bill.

Upon the determination of an appeal, the Fire Commissioner shall inform the Collector-Treasurer of cases in which the corrected fee is greater than or less than the original charge. The Collector-Treasurer shall issue a revised bill or abatement notice, as appropriate, reflecting the corrected fee, and refunding the difference, if any, between the corrected fee and the amount already paid, plus interest of eight (8%) percent per annum from the date of payment.

The filing of an appeal and the pendency of any proceedings pursuant thereto shall not operate to stay the payment of any fee as otherwise provided in this section.

(Ord. 1982 c. 7, c. 12; Ord. 1983 c. 6)

18-11.5 Estimated Fee.

The Fire Commissioner may estimate the fee to be paid for a particular structure. In such cases, the estimated fee shall be charged to the owner of a structure subject to such fee on or before October first, and shall be due and payable in two (2) equal installments as hereinbefore provided. The Fire Commissioner shall determine the final fee on or before February first of the fiscal year in which the fee is charged. The Collector-Treasurer shall issue a revised bill or abatement notice, as appropriate, reflecting the final fee, and, if no appeal is pending, shall refund the difference, if any, between the final fee and the amount already paid, plus interest of eight (8%) percent per annum from the date of payment. The person or entity paying such fee may appeal the correctness of the final fee by filing a notice of appeal with the Fire Commissioner on or before March first of the fiscal year in which the fee was charged. Said appeal shall be decided as hereinbefore provided.

Notwithstanding any provisions of this section to the contrary, for the fiscal year beginning July 1, 1982 and ending June 30, 1983, the fee provided for in this section shall be assessed as follows:

On or before March 1, 1983, the Fire Commissioner shall determine and assess said fee. The first installment of said fee shall be due and payable no later than April 1, 1983. The second installment of said fee shall be due and payable on June 30, 1983.

The person or entity paying such fee may appeal the correctness of the fee as hereinbefore provided on or before March 31, 1983. Appeals shall be decided, and a revised bill or abatement reflecting the corrected fee, and refunds, where appropriate, shall be issued as otherwise provided in this section.

Fees that remain unpaid shall constitute accounts owed to the City and shall be collected by the Collector-Treasurer in accordance with applicable laws.

(Ord. 1982 c. 7, c. 12; Ord. 1983 c. 6)

18-11.6 Rules and Regulations.

The Fire Commissioner may promulgate rules and regulations for the administration of this section.

(Ord. 1982 c. 7, c. 12; Ord. 1983 c. 6)

18-11.7 Exceptions.

Notwithstanding any provisions of this ordinance to the contrary, the owner of a structure being provided augmented fire services availability shall not be required to pay that proportion of the fee charged for augmented fire services availability attributable to portions of said structure owned by said owner and rented as residential units to persons or families living independently of each other, and in which kitchen facilities are provided in each individual unit, or common areas of said structures, including parking, accessory to said residential units only.

(Ord. c. 1982 c. 7, c. 12; Ord. 1983 c. 6)

18-11.8 Administration of This Section.

Notwithstanding any provision of this section to the contrary, and pursuant to Chapter 190 of the General Laws, as amended, administration of the Augmented Fire Services Availability program shall be by uniformed Fire Department personnel only, and funds shall be allocated for this purpose.

(Ord. 1983 c. 21)

18-11.9 Severability.

The provisions of this section are severable and if any of its provisions shall be held invalid in any circumstances, such invalidity shall not effect any other provisions or circumstances.

(Ord. 1982 c. 7, c. 12; Ord. 1983 c. 6, c. 21)

CHAPTER XIX

SCHOOLS

19-1 SCHOOL DEPARTMENT.

No Ordinances Apply. See Special Statutes and Regulations.
(CBC 1975 Ord. T15 c. 1)

CHAPTER XX

CHARITABLE INSTITUTIONS

20-1 GEORGE ROBERT WHITE FUND.

No Ordinances Apply. See Special Statutes and Regulations.
(CBC 1975 Ord. T16 c. 1)

20-2 FRANKLIN INSTITUTE OF BOSTON.

No Ordinances Apply. See Special Statutes and Regulations.
(CBC 1975 Ord. T16 c. 3)

20-3 OLD SOUTH ASSOCIATION.

No Ordinances Apply. See Special Statutes and Regulations.
(CBC 1975 Ord. T16 c. 5)

20-4 CHARITABLE DONATIONS FOR INHABITANTS OF BOSTON

No Ordinances Apply. See Special Statutes and Regulations.
(CBC 1975 Ord. T16 c. 7)

20-5 EDWARD INGERSOLL BROWNE COMMISSION.

20-5.1 Board; Appointment; Compensation.

In order to facilitate the achievement of the goals of Edward Ingersoll Browne as recited in clause sixth of a certain will of the said Edward Ingersoll Browne proved October 3, 1901, and to act as the sole and exclusive agent of the City in expending any monies available or made available under that will, there shall be in the City a Board, to be known as the Edward Ingersoll Browne Commission, consisting of the Mayor, that member of the City Council for the time being the senior member in time of service, or, in the event that two (2) or more members have equal service, the senior of those in age, and the Collector-Treasurer. All Commissioners shall

serve ex officio and without additional compensation. The Mayor shall be chairman.

(Ord. 1975 c. 5 § 1; CBC 1975 Ord. T16 § 300)

20-5.2 Powers and Duties of Commission.

The provisions of Section 10 of Chapter 25 of the Revised Ordinances of 1961 (Ord. Subsection 6-3.11) to the contrary notwithstanding, the said Commission shall prudently manage, invest, and reinvest the funds bequeathed to the City under said will, together with such other sums as the Mayor and City Council may make available to it, and shall expend the same in a manner agreeable to the said will, or agreeable to the provisions of any order making monies available to said Commission, but no such funds shall be expended except upon appropriation lawfully made after consultation with a committee consisting of the following: one member appointed by the Mayor from two (2) nominees of the Boston Society of Landscape Architects, one member appointed by the Mayor from two (2) nominees of the Art Commission, the Park Commissioner, and the Public Works Commissioner, or their respective designees, all of whom shall serve without further compensation, and those appointed by the Mayor shall serve at the pleasure of their nominating body.

(Ord. 1975 c. 5 § 2; CBC 1975 Ord. T16 § 301)

20-5.3 Investment Counsel.

The said Commission shall annually elect a firm or individual having not less than twenty (20) years experience in the administration and investment of trust funds to serve as investment counsel and fund manager for such compensation as the Commission shall determine. The Commission may require said individual or firm to give bond for faithful performance of his or its duties, and for such other purposes as the Commission may require, in an amount agreeable to the said Commission. Said firm or individual and those members of the said Committee appointed by the Mayor shall be deemed to be special municipal employees for the purposes of Chapter 268A of the General Laws, but this subsection shall not be deemed a waiver of the notice requirements of Section 8 of Chapter 486 of the Acts of 1909, as amended.

(Ord. 1975 c. 5 § 3; CBC 1975 Ord. T16 § 302)

20-5.4 Meetings; Report.

The said Commission shall meet at least quarterly on the first Wednesday or Thursday of January, April, July, and October, at which meeting the firm or individual elected as investment counsel and fund manager shall furnish a report in writing, setting forth the current condition of the fund and any recommendations relative to the investment of the fund in the three (3) months next following,

together with the reasons for such recommendation. The said Commission shall, annually in January, submit to the Mayor and City Council a report of its doings in the then previous year, together with an audited statement of the funds then in its control, and its estimate of the amount of money that will be available for expenditure in the then current year.

(Ord. 1975 c. 5 § 4; CBC 1975 Ord. T16 § 303)

20-5.5 Expenditure of Funds.

Notwithstanding any provision of law or ordinance to the contrary, and notwithstanding the requirement of appropriation:

a. This ordinance shall be published by the action of the City Council in passing the same.

b. With the approval of the Mayor and City Council the said Commission may, for the purpose of matching Federal, State, or private grants, grants-in-aid, gifts, or bequests, obligate the expenditure of funds under its control for purposes agreeable to the aforesaid Browne will and/or to the terms of said grant, grant-in-aid, gift, or bequest, whether or not the same is to be spent within the then current municipal or fiscal year.

c. The said Commission may hold, and continue to hold, any security tendered to it, if in the opinion of the said Commission such holding would be of benefit to the fund.

(Ord. 1975 c. 5 § 5; CBC 1975 Ord. T16 § 304)

The first part of the report deals with the general situation of the country and the position of the various groups of the population.

The second part of the report deals with the economic situation of the country and the position of the various groups of the population.

The third part of the report deals with the social situation of the country and the position of the various groups of the population.

The fourth part of the report deals with the cultural situation of the country and the position of the various groups of the population.

The fifth part of the report deals with the political situation of the country and the position of the various groups of the population.

The sixth part of the report deals with the international situation of the country and the position of the various groups of the population.

The seventh part of the report deals with the future of the country and the position of the various groups of the population.

The eighth part of the report deals with the conclusion of the report and the position of the various groups of the population.

The ninth part of the report deals with the appendix of the report and the position of the various groups of the population.

The tenth part of the report deals with the bibliography of the report and the position of the various groups of the population.

The eleventh part of the report deals with the index of the report and the position of the various groups of the population.

The twelfth part of the report deals with the conclusion of the report and the position of the various groups of the population.

The thirteenth part of the report deals with the appendix of the report and the position of the various groups of the population.

The fourteenth part of the report deals with the bibliography of the report and the position of the various groups of the population.

The fifteenth part of the report deals with the index of the report and the position of the various groups of the population.

CHAPTER XXI

MISCELLANEOUS PUBLIC BUILDINGS

21-1 BOSTON CITY HALL AND THE BOSTON GOVERNMENT CENTER COMMISSION.

No Ordinances Apply. See Special Statutes and Regulations.
(CBC 1975 Ord. T17 c. 1)

21-2 AUDITORIUM COMMISSION.*

21-2.1 Commissioners.

There shall be in the City a Board known as the Auditorium Commission, consisting of five (5) officers known as Auditorium Commissioners, who shall be residents of the City, appointed by the Mayor as follows: one from three (3) candidates nominated by the City of Boston Hotel Association, one from three (3) candidates nominated by the Greater Boston Real Estate Board, one from three (3) candidates nominated by the Greater Boston Chamber of Commerce, and two (2) selected at large by the Mayor. Commissioners shall serve five (5) years. As the term of any Commissioner expires, his successor shall be appointed in like manner as such Commissioner for a term of five (5) years. Vacancies in the Board shall be filled in the same manner for the unexpired term. Auditorium Commissioners shall serve without compensation, but shall be reimbursed for their traveling and other necessary expenses incurred in the performance of their duties.
(Ord. 1957 c. 2; Rev. Ord. 1961 c. 7 § 1; CBC 1975 Ord. T17 § 50)

21-2.2 Construction and Care of Municipal Auditorium.

The Auditorium Commission shall construct, or cause to be constructed, the municipal auditorium authorized by Chapter 164 of the Acts of 1954, with an exhibition hall, assembly hall and accessory rooms suitable for exhibitions, conventions and other shows and gatherings in the City; shall contract for the care and management thereof after its completion; and for such purposes may, subject

***Editor's Note:** Although this section has never been formally repealed the Auditorium was conveyed to the Massachusetts Convention Center Authority under the provisions of Ch. 190 of the Acts of 1980.

to the approval of the Mayor, make such contracts and employ such experts, assistants and employees as they may think necessary or expedient.
(St. 1954 c. 164; Rev. Ord. 1961 c. 7 § 2; CBC 1975 Ord. T17 § 51)

21-2.3 Management of the Boston Arena.

The Auditorium Commission shall manage and care for the Boston Arena; and for such purposes may, subject to the approval of the Mayor, make such contracts and employ such experts, assistants and employees as they may think necessary or expedient.
(Ord. 1975 c. 12; CBC 1975 Ord. T17 § 52)

21-3 BOSTON ARENA AUTHORITY.

No Ordinances Apply. See Special Statutes and Regulations.
(CBC 1975 Ord. T17 c. 5)

21-4 PUBLIC BUILDINGS; ACCESSIBILITY FOR PHYSICALLY HANDICAPPED.*

21-4.1 Definitions.

ABB shall mean the Architectural Barriers Board of the Massachusetts Department of Public Safety.

ABB rules shall mean the rules and regulations of the ABB as may be amended from time to time.

Advisory opinion shall mean written advisory opinion:

- a. Requested by an owner under Susection 21-4.3;
- b. Issued by the Commission under Subsection 21-4.7;
- c. Regarding compliance of a proposed significant change with the ABB rules.

Amendments shall mean amendments filed under Section 113 of the basic code as may be amended from time to time.

Application shall mean application for a permit filed under Section 113 of the basic code as may be amended from time to time.

Basic Code shall mean the Massachusetts State Building Code as may be amended from time to time.

*Building Department** shall mean the Boston Building Department.

***Editor's Note:** The Building Department and the Housing Inspection Department were abolished and all powers and duties transferred to the Inspectional Services Department by Ch. 19 of the Ordinances of 1981 (Section 9-9 of this Code).

Commission shall mean the Boston Commission on the Physically Handicapped.

Complaint shall mean written complaint of noncompliance with the ABB rules:

- a. Transmitted to the ABB;
- b. In the form which the ABB may from time to time proscribe, and
- c. Which, pursuant to MGL Chapter 22, Section 13A, the ABB must:
 1. Investigate;
 2. Act upon as necessary; and
 3. Within sixty (60) days of complaint receipt, give notice in writing to the complaining party of its actions or proposed actions.

Owner shall mean an owner as defined under Section 201 of the basic code, as may be amended from time to time, who in Boston:

- a. Owns a public building; or
- b. Proposes a significant change that will result in the creation of a public building.

Permit shall mean as defined under Section 114 of the basic code as may be amended from time to time.

Physically handicapped person shall mean as defined under Section 4.10 of the ABB rules as may be amended from time to time.

Plans and specifications shall mean plans and specifications filed under Section 113 of the basic code as may be amended from time to time.

Public building shall mean as defined under Section 4.11 of the ABB rules as may be amended from time to time.

Significant change shall mean:

- a. An activity:
 1. Excluding demolition or removal;
 2. Costing over one thousand (\$1,000.00) dollars; and
 3. For which an owner must file a permit application under Section 113 of the basic code as may be amended from time to time.
- (Ord 1979 c. 40 § 1)

21-4.2 Commission to Issue Advisory Opinion on Compliance with the ABB Rules.

- a. Any owner who proposes to make a significant change shall, under Subsection 21-4.3, request an advisory opinion from the Commission regarding compliance of the proposed change with the ABB rules.

b. The Commission shall issue an advisory opinion, under Subsection 21-4.7, and shall transmit this opinion to the ABB, the owner and the Building Department. If noncompliance is found, this opinion shall be in the form of a complaint.

(Ord. 1979 c. 40 § 2)

21-4.3 Filing of Request for Commission Advisory Opinion.

a. An owner who proposes to make a significant change shall file a request for an advisory opinion from the Commission.

b. The owner's request shall include:

1. At least one copy of the following items actually submitted, or to be submitted, to the Building Department:

(a) Application;

(b) Plans and specifications;

(c) Any other information that the Building Department requires accompany an application for the proposed significant change; and

2. Any other information the owner deems pertinent.

c. The owner shall file his request for an advisory opinion no more than three (3) workdays after filing an application for the significant change with the Building Department. The owner may submit his request before filing an application.

d. Upon filing a request, the owner shall pay the Commission a processing fee of twenty-five (\$25.00) dollars.

e. The Commission shall issue a receipt to the owner filing a request. The owner shall submit this receipt to the Building Department.

(Ord. 1979 c. 40 § 3)

21-4.4 Filing of Supplementary Information.

a. If, after filing a request for an advisory opinion, the owner files with the Building Department:

1. Amendments; or

2. Any other information, whether or not required by the Building Department regarding the proposed significant change;

3. The owner shall: No more than three (3) working days after filing this information with the Building Department; file a copy of this supplemental information with the Commission.

b. After filing a request for an advisory opinion, the owner may also submit to the Commission supplemental information not submitted to the Building Department.

c. The Commission may not charge a fee for processing supplemental information received under this subsection.

(Ord. 1979 c. 40 § 4)

21-4.5 Site for Filing Requests and Supplemental Information.

The Commission shall establish a site for the filing of advisory opinion requests and supplemental information under Subsections 21-4.3 and 21-4.4.

(Ord. 1979 c. 40 § 5)

21-4.6 Responsibilities of the Building Department.

a. At all sites where the Building Department takes applications, the Department shall post conspicuous notices informing owners of their responsibilities under Subsections 21-4.3 and 21-4.4.

b. The Building Department may not issue a permit to an owner until the owner submits a receipt from the Commission as required under Subsection 21-4.3e.

c. Neither:

1. Failure of the Building Department to post notices as required under paragraph a. of this subsection; nor

2. Issuance of permits by the Department in violation of paragraph b. of this subsection will relieve owners of their responsibilities under Subsections 21-4.3 and 21-4.4.

(Ord. 1979 c. 40 § 6)

21-4.7 Issuance of Advisory Opinions.

a. Within fourteen (14) workdays of receipt of a request for an advisory opinion, the Commission shall issue its advisory opinion. However, if prior to issuance the Commission receives supplemental information under Subsection 21-4.4, the Commission may delay issuance of this advisory opinion until fourteen (14) days after receipt of this supplemental information.

b. If, after issuance of this advisory opinion, the Commission receives supplemental information under Subsection 21-4.4, the Commission may issue an additional advisory opinion.

c. The Commission's advisory opinion, whether issued under paragraphs a. or b. of this subsection shall contain its finding that the proposed significant change:

1. Complies with ABB rules; or
 2. Does not comply with ABB rules; or
 3. Does not comply with the ABB rules, but advises that the significant change may qualify for a variance under Section 3 of the ABB rules as may be amended from time to time.
- d. If the Commission makes a finding under either paragraph c.2 or c.3 of this subsection, it shall:
1. Include in its advisory opinion an explanation of the grounds for this finding; and
 2. Conform its advisory opinion to the form of a complaint.
- e. In addition to the other requirements of this subsection, the Commission may include in its advisory opinion any other information or comments which it deems pertinent.
- f. At the time of issuance, the Commission shall transmit a copy of its advisory opinion to:
1. The ABB;
 2. The owner requesting the opinion;
 3. The Building Department.

(Ord. 1979 c. 40 § 7)

21-4.8 Annual Report.

- a. By November 1 of each year, for the fiscal year just concluded, the Commission shall compile and submit to the Boston City Council a written report describing the Commission's activities under this section.
- b. The Commission shall include in its report:
1. A list of requests for advisory opinions received;
 2. A summary of the finding in the advisory opinions issued for each request;
 3. A description of the inducted actions taken by the ABB if compiled; and
 4. Other information which the Commission deems pertinent.

(Ord. 1979 c. 40 § 8)

21-4.9 Penalty.

An owner who violates Subsections 21-4.3 or 21-4.4 shall be punished by a fine not exceeding two hundred (\$200.00) dollars.

(Ord. 1979 c. 40 § 9)

21-4.10 Severability.

If any provision of clause of this section or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this section which can be given effect without the invalid provision or application, and to this end the provisions of this of this section are declared to be severable.

(Ord. 1979 c. 40, § 10)

21-5 RESTRICTING SMOKING IN PUBLIC BUILDINGS.**21-5.1 Purpose.**

The purpose of this section is to protect the public health, comfort and environment by restricting smoking in public buildings and at public meetings to designated smoking areas and to set an example for the children of the City about the dangers of smoking.

(Ord. 1980 c. 16 § 1)

21-5.2 Definitions.

As used in this section:

Public building shall mean any building or enclosed indoor area owned or maintained by the City of Boston which is used by the general public, including offices, educational facilities and meeting rooms, but excluding private, enclosed offices.

Public meeting shall mean any meeting of a City governing body, agency or board conducted pursuant to M.G.L.A. Chapter 30A, Sections 23A and 23B, Chapter 34 Sections 9F and 9G and Chapter 39 Sections 23A and 23B.

Smoking shall mean the act of smoking or having in one's possession any lighted cigar, cigarette, pipe or any other tobacco product.

(Ord. 1980 c. 16 § 2)

21-5.3 Prohibition.

No person shall smoke in a public building or at a public meeting except in designated smoking areas. This prohibition does not apply where an entire room or hall is used for a private social function and seating arrangements are under the control of the sponsor of the function.

(Ord. 1980 c. 16 § 3)

21-5.4 Designated Smoking Areas.

Smoking areas may be designated in public buildings, except in places where smoking is prohibited by regulation of the Board of Fire Prevention.

Where smoking areas are designated, existing physical barriers and ventilation systems shall be used to minimize the effects of smoke in adjacent nonsmoking areas. In the case of a public building consisting of a single room, the requirement of this section will be satisfied if one section of the room is reserved and posted as an area in which smoking is allowed and the remaining area is posted as a no-smoking section.

(Ord. 1980 c. 16 § 4)

21-5.5 Penalty for Violation.

Any person who violates Subsection 21-5.3 shall be subject to a fine of not less than ten (\$10.00) dollars nor more than fifty (\$50.00) dollars.

(Ord. 1980 c. 16 § 5)

21-5.6 Educational Program.

The Boston School Department shall institute an educational program in all junior and senior high schools in the City on the harmful effects of smoking. This program shall include a study of the physical health damage caused to both smokers and nonsmokers and shall be offered each year as part of the school curriculum.

(Ord. 1980 c. 16 § 6)

21-6 CONCERNING INSTALLATION OF FIRE AND SMOKE DETECTORS.

Notwithstanding the provisions of any other ordinance now in existence, it shall be the duty and responsibility of the legal owner or his agent of a building structure to install fire and/or smoke detectors within the premises as defined in Section 26C of Chapter 148 of the Massachusetts General Laws.

(Ord. 1979 c. 36 § 1)

CHAPTER XXII
SUFFOLK COUNTY

22-1 SUFFOLK COUNTY COURTHOUSE COMMISSION.

No Ordinances Apply. See Special Statutes and Regulations.
(CBC 1975 Ord. T18 c. 1)

22-2 SUFFOLK COUNTY.

No Ordinances Apply. See Special Statutes and Regulations.
(CBC 1975 Ord. T17 c. 3)

APPENDIX
to
the
City of Boston
Code
Ordinances

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CODE COMPARATIVE TABLE

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| S 4 | 1-2.3 | 752 | 2-12.3 |
| S 5 | 1-2.4 | 753 | 2-12.4 |
| S 6 | 1-2.5 | Ord. T3 C1 | Chap. III |
| S 7 | 1-2.6 | Ord. T4 C1 | Chap. IV |
| S 8 | 1-2.7 | Ord. T5 C1 S 1 | 5-1.1 |
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| S 12 | 1-5 | 5 | 5-1.5 |
| Ord. T2 C1 | 2-1 | 6 | 5-1.6 |
| Ord. T2 C3 | 2-2 | 7 | 5-1.8 |
| Ord. T2 C5 S 200 | 2-3.1 | 8 | 5-1.9 |
| 201 | 2-3.2 | 9 | 5-1.10 |
| 202 | 2-4.1 | 10 | 5-2.1 |
| 203 | 2-4.2 | 11 | 5-3.1 |
| 204 | 2-5.1 | Ord. T5 C3 100 | 5-5.1 |
| Ord T2 C7 350 | 2-7.1 | S 101 | 5-5.2 |
| 351 | 2-7.2 | 102 | 5-5.6 |
| 352 | 2-7.3 | 103 | 5-5.8 |
| 353 | 2-7.4 | 104 | 5-5.9 |
| 354 | 2-7.5 | 105 | 5-5.10 |
| 355 | 2-7.6 | 106 | 5-5.12 |
| 356 | 2-7.7 | 107 | 5-5.13 |
| 357 | 2-7.8 | 108 | 5-5.14 |
| 358 | 2-7.9 | 109 | 5-5.15 |
| 359 | 2-7.10 | 110 | 5-5.16 |
| 360 | 2-7.11 | 111 | 5-5.17 |
| 361 | 2-7.12 | 112 | 5-5.18 |
| 362 | 2-7.13 | 113 | 5-5.21 |
| Ord. T2 C9 450 | 2-8.1 | 114 | 5-5.22 |
| 451 | 2-8.2 | 115 | 5-5.23 |
| 452 | 2-8.3 | 116 | 5-5.24 |
| Ord. T2 C11 550 | 2-10.1 | 117 | 5-5.25 |
| 551 | 2-10.2 | 118 | 5-5.26 |
| 552 | 2-10.3 | 119 | 5-5.27 |
| 553 | 2-10.4 | 120 | 5-5.28 |
| 554 | 2-10.5 | 121 | 5-5.29 |

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| 122 | 5-5.30 | 3 | 7-1.3 |
| 123 | 5-5.31 | Ord. T7 C3 S 50 | 7-2.1 |
| 124 | 5-5.32 | Ord. T7 C5 100 | 7-4.1 |
| 125 | 5-5.33 | 101 | 7-4.2 |
| 126 | 5-5.34 | 102 | 7-4.3 |
| 127 | 5-5.35 | 103 | 7-4.4 |
| 128 | 5-5.36 | 104 | 7-4.5 |
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| Ord. T5 C9 450 | 5-8.1 | 107 | 7-4.8 |
| 451 | 5-8.2 | 108 | 7-4.9 |
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| 2 | 6-1.2 | 110 | 7-4.11 |
| 3 | 6-1.3 | 111 | 7-4.12 |
| 4 | 6-1.4 | 112 | 7-4.13 |
| 5 | 6-1.5 | 113 | 7-5.1 |
| 6 | 6-1.6 | 114 | 7-5.3 |
| 7 | 6-1.7 | 115 | 7-5.4 |
| 8 | 6-1.8 | Ord. T7 C7 | 7-6 |
| 9 | 6-1.9 | Ord. T7 C9 S 200 | 7-7.1 |
| 10 | 6-1.10 | 201 | 7-7.2 |
| Ord. T6 C3 S 100 | 6-2.1 | S 202 | 7-7.3 |
| 101 | 6-2.2 | Ord. T7 C11 S 300 | 7-9.1 |
| 102 | 6-2.3 | 301 | 7-9.2 |
| 103 | 6-2.4 | 302 | 7-9.3 |
| 104 | 6-2.5 | Ord. T8 C1 S 1 | 8-1.1 |
| Ord. T6 C5 S 150 | 6-3.1 | 2 | 8-1.2 |
| 151 | 6-3.2 | 3 | 8-1.3 |
| 152 | 6-3.3 | 4 | 8-1.4 |
| 153 | 6-3.4 | 5 | Not in Code |
| 154 | 6-3.5 | 6 | 8-2.1 |
| 155 | 6-3.6 | 7 | 8-2.2 |
| 156 | 6-3.8 | 8 | 8-2.3 |
| 157 | 6-3.9 | 9 | 8-2.4 |
| 158 | 6-3.10 | 10 | 8-2.5 |
| 159 | 6-3.11 | 11 | 8-2.6 |
| 160 | 6-3.12 | 12 | 8-2.7 |
| 161 | Not in Code | Ord. T8 C3 | 8-3 |
| Ord. T6 C7 | 6-4 | Ord. T8 C5 | 8-4 |
| Ord. T6 C9 | 6-5 | C7 S 300 | 8-5.1 |
| Ord. T7 C1 S 1 | 7-1.1 | 301 | 8-5.2 |
| 2 | 7-1.2 | 302 | 8-5.3 |

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| C11, S 500 | 8-7.1 | 76 | 11-4.2 |
| C13 S 600 | Not in Code | 77 | 11-4.3 |
| 601 | Not in Code | 78 | 11-4.4 |
| Ord. T9 C1 S 1 | 9-1.1 | 79 | 11-4.5 |
| 2 | 9-1.2 | 80 | 11-4.6 |
| 10 | 9-2.1 | 81 | 11-4.7 |
| Ord. T9 C3 S 50 | 9-3.1 | T11 C5 S 150 | 11-6.1 |
| 51 | 9-3.2 | 151 | 11-6.2 |
| 52 | 9-3.3 | 152 | 11-6.3 |
| 53 | 9-3.4 | 153 | 11-6.4 |
| Ord. T9 C5 S 150 | 9-4.1 | 154 | 11-6.5 |
| 151 | 4-4.2 | 155 | 11-6.6 |
| Ord. T9 C7 200 | 9-5.1 | 156 | 11-6.7 |
| Ord. T9 C9 | 9-6 | 157 | 11-6.8 |
| C11 | 9-7 | 158 | 11-6.9 |
| C13 S 350 | 9-8.1 | 159 | 11-6.10 |
| 351 | 9-8.2 | 160 | 11-6.11 |
| Ord. T10 C1 | 10-1 | 161 | 11-6.12 |
| C3 S 100 | Not in Code | 162 | 11-6.13 |
| 101 | 10-2.1 | 163 | 11-6.14 |
| 102 | 10-2.2 | 164 | 11-6.15 |
| 103 | 10-2.4 | 165 | 11-6.16 |
| 104 | 10-2.3 | 166 | 11-6.17 |
| 105 | 10-2.5 | 167 | 11-6.18 |
| 106 | 10-2.7 | 168 | 11-6.26 |
| 107 | 10-2.8 | 169 | 11-6.27 |
| 108 | 10-2.9 | 170 | 11-6.28 |
| 109 | Not in Code | 171 | 11-6.29 |
| 110 | 10-2.15 | 172 | 11-6.30 |
| 111 | 10-2.17 | 173 | 11-6.31 |
| 112 | 10-2.18 | 174 | 11-6.32 |
| 113 | 10-2.19 | 175 | 11-6.33 |
| 114 | 10-2.20 | 176 | 11-6.34 |
| Ord. T11 C1 S 1 | 11-1.1 | 177 | 11-6.35 |
| S 2 | 11-1.2 | 178 | 11-6.36 |
| 3 | 11-1.3 | 179 | 11-6.37 |
| 4 | 11-1.4 | 180 | 11-6.38 |
| 5 | 11-1.5 | 181 | 11-6.39 |
| 6 | Not in Code | | |

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| 182 | 11-6.40 | S 352 | 12-8.3 |
| 183 | 11-6.41 | 353 | 12-8.4 |
| 184 | 11-6.42 | Ord. T13 C 1 S 1 | 13-1.1 |
| 185 | 11-6.43 | Ord. T14 C1 | 14-1 |
| 186 | 11-6.44 | C3 S 50 | 14-2.1 |
| Ord. T11 C7 S 250 | 11-7.1 | C5 | 14-3 |
| 251 | 11-7.2 | C7 | 14-4 |
| 252 | 11-7.3 | C9 S 200 | 14-6.1 |
| 253 | 11-7.4 | S 201 | 14-6.2 |
| 254 | 11-7.5 | Ord. T14 C11 S 250 | 16-1.1 |
| 255 | 11-7.6 | 251 | 16-1.2 |
| 256 | 11-7.7 | 252 | 16-1.3 |
| S 257 | 11-7.8 | 253 | 16-1.8 |
| 258 | 11-7.9 | 254 | 16-1.9 |
| 259 | 11-7.10 | 255 | 16-1.11 |
| Ord. T11 C9 S 350 | 11-8.1 | 256 | 16-1.12 |
| 351 | 11-8.2 | 257 | 16-1.13 |
| C11 S 400 | 11-9.1 | 258 | 16-1.14 |
| 401 | 11-9.2 | 259 | 16-1.15 |
| 402 | 11-9.3 | 260 | 16-1.16 |
| 403 | 11-9.4 | 261 | 16-1.17 |
| 404 | 11-9.5 | 262 | 16-1.18 |
| 405 | 11-9.6 | 263 | 16-1.19 |
| Ord. T12 C1 S 1 | 12-1.1 | 264 | 16-1.20 |
| 2 | 12-1.2 | 265 | 16-1.22 |
| C3 S 50 | 12-2.1 | 266 | 16-1.23 |
| 51 | 12-2.2 | 267 | 16-1.24 |
| 52 | 12-2.3 | 268 | 16-1.25 |
| Ord. T12 C5 S 100 | 12-3.1 | 269 | 16-2.1 |
| 101 | 12-3.2 | 270 | 16-2.2 |
| 102 | 12-3.3 | 271 | 16-2.4 |
| C7 S 150 | 12-4.1 | 272 | 16-3.1 |
| 151 | 12-4.2 | 273 | 16-4.1 |
| C9 S 200 | 12-5.1 | 274 | 16-5.1 |
| 201 | 12-5.2 | 275 | 16-6.1 |
| Ord. T12 C11 | 12-6 | 276 | 16-7.1 |
| C13 S 300 | 12-7.1 | 277 | 16-8.1 |
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| C15 350 | 12-8.1 | 279 | 16-10.1 |
| 351 | 12-8.2 | 280 | 16-10.2 |

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| 282 | 16-10.4 | 322 | 16-15.3 |
| 283 | 16-10.5 | 323 | 16-15.4 |
| 284 | 16-11.1 | 324 | 16-15.5 |
| 285 | 16-12.1 | 325 | 16-16.1 |
| 286 | 16-12.2 | 326 | 16-16.2 |
| 287 | 16-12.3 | 327 | 16-16.3 |
| 288 | 16-12.4 | 328 | 16-16.4 |
| 289 | 16-12.5 | 329 | 16-16.5 |
| 290 | 16-12.6 | 330 | 16-16.6 |
| 291 | 16-12.7 | 331 | 16-16.7 |
| 292 | 16-12.8 | 332 | 16-16.8 |
| 293 | 16-12.9 | 333 | 16-16.9 |
| 294 | 16-12.10 | 334 | 16-16.10 |
| 295 | 16-12.11 | 335 | 16-16.11 |
| 296 | 16-12.12 | 336 | 16-16.12 |
| 297 | 16-12.13 | 337 | 16-17.1 |
| 298 | 16-12.14 | 338 | 16-17.2 |
| 299 | 16-12.15 | 339 | 16-18.1 |
| 300 | 16-12.16 | 340 | 16-19.1 |
| 301 | 16-12.17 | 341 | 16-19.2 |
| 302 | 16-12.18 | 342 | 16-19.4 |
| 303 | 16-12.19 | 343 | 16-20.1 |
| 304 | 16-12.20 | 344 | 16-21.1 |
| 305 | 16-12.21 | 345 | 16-21.2 |
| 306 | 16-12.22 | 346 | 16-21.3 |
| 307 | 16-12.23 | 347 | 16-22.1 |
| 308 | 16-12.24 | 348 | 16-23.1 |
| 309 | 16-12.25 | 349 | 16-23.2 |
| 310 | 16-12.26 | 350 | 16-23.3 |
| 311 | 16-12.27 | 351 | 16-23.4 |
| 312 | 16-12.28 | 352 | 16-24.1 |
| 313 | 16-12.32 | 353 | 16-25.1 |
| 314 | 16-12.33 | 354 | 16-26.1 |
| 315 | 16-12.34 | 355 | 16-27.1 |
| 316 | 16-12.35 | 356 | 16-28.1 |
| 317 | 16-12.36 | 357 | 16-28.2 |
| 318 | 16-13.1 | 358 | 16-28.3 |
| 319 | 16-14.1 | 359 | 16-28.4 |
| 320 | 16-15.1 | 360 | 16-28.5 |

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| | 361 | 16-28.6 | Ord. T14 C15 S 450 | 18-1.1 — 18-1.24 |
| | 362 | 16-28.7 | 451 | 18-3 |
| | 363 | 16-28.8 | 452 | 18-4 |
| | 364 | 16-28.9 | 453 | 18-5 |
| | 365 | 16-28.10 | 454 | 18-6 |
| | 366 | 16-29.1 | 455 | 18-7 |
| | 367 | 16-30.1 | 456 | 18-8 |
| | 368 | 16-32.1 | 457 | 18-9 |
| | 369 | 16-32.3 | 458 | 18-10 |
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| | 401 | Ord. T15 C1 | Chapter 19 | |
| | 402 | Ord. T16, C1, 3, 5, | | |
| | 403 | 7 | 20-1 — 20-4 | |
| | 404 | C9 S 300 | 20-5.1 | |
| | 405 | 301 | 20-5.2 | |
| | 406 | 302 | 20-5.3 | |
| | 407 | 303 | 20-5.4 | |
| | 408 | 304 | 20-5.5 | |
| | 409 | Ord. T17 C1 | 21-1 | |
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| | 411 | 51 | 21-2.2 | |
| | 412 | 52 | 21-2.3 | |
| | 413 | C5 | 21-3 | |
| | 414 | Ord. T18 C1 | 22-1 | |
| | 415 | C3 | 22-2 | |
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APPENDIX B
DISPOSITION OF ORDINANCES IN CODE

| Ordinance Number | Date of Adoption or Approval | Short Title | CBC 1985 Sections |
|-------------------------|-------------------------------------|--|--|
| 1976 C. 1 | 2/1/76 | City Council Officers Salary | § 2-8.3 |
| 1976 C. 2 | 2/24/76 | Urban Homestead Program | § 8-2.8 |
| 1976 C. 3 | 4/28/76 | Hawkers and Peddlers License Fee | § 18-1.8 (8) |
| 1976 C. 4 | 4/20/76 | Police Assignment to Street Work Sites | § 11-6.9 |
| 1976 C. 5 | 5/10/76 | Municipal Golf Course Fee | § 18-1.7 (8), (9) |
| 1976 C. 6 | 5/12/76 | Fiscal Note Attachment to Certain Legislation | § 2-11 |
| 1976 C. 7 | 5/20/76 | Keeping Animals | § 16-1.10 |
| 1976 C. 8 | 6/16/76 | Municipal Golf Course Fee | § 18-1.7 (8), (9) |
| 1976 C. 9 | 7/6/76 | Employees' Residency Requirement | § 5-5.3 |
| 1976 C. 10 | 7/22/76 | Building Commissioner Added to Public Improvement Commission | § 8-7.1 |
| 1976 C. 11 | 9/1/76 | Various Department Fees Amended | §§ 18-1.1 (1) — (4), (6) — (25); 18-1.2 (1) — (22), (24) — (31); 18-1.3 (1) — (12), (14), (16), (17), (19) — (22), (25), (26); 18-1.4 (1) — (14); 18-1.5 (1) — (6), (9); 18-1.6 (1), (3) — (19), (21) — (23), (25), (28) — (48); 18-1.7 (1) — (4), (6), (7), (11) — (13); 18-1.8 (1) — (7), (9) — (15); 18-1.9 (1) — (5); 18-1.10 (1) — (4); 18-1.11 (1), (2); 18-1.12 (1) — (9); 18-1.13 (1) — (9), |

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| Ordinance Number | Date of Adoption or Approval | Short Title | CBC 1985 Sections |
|---------------------|------------------------------------|---|--|
| | | | (11) — (22); 18-1.14 (1) — (3); 18-1.15 (1) — (7); 18-1.16 (1), (2), (6), (7), (16), (20) — (24), (26) — (32), (34), (36) — (44); 18-1.18 (1) — (19); 18-1.19 (1) — (10), (13) — (28); 18-1.20 (1) — (4), (6), (7), (9) — (12); 18-1.21 (3); 18-1.22 (1), (2); 18-1.23 (1) — (4), (6), (7) |
| 1976 C. 12 | 10/6/76 | Permit Fee to Sell Frozen Deserts | § 18-1.6 (43) |
| 1976 C. 13 | 11/3/76 | Prohibiting Refuse Treatment and Disposal Facilities | § 16-1.21 |
| 1976 C. 14 | 11/8/76 | Licensing Abortions and Abortion Clinics | § 17-1 |
| 1976 C. 15 | 12/15/76 | Date Extension for Regulations and Forms | § 2-12.5 |
| 1976 C. 16 | 12/15/76 | Collector-Treasurer Duties as Custodian of Trust Fund | § 6-3.11 |
| 1976 C. 17 | 12/13/76 | License Fee to Carry or Possess Firearms | Superseded by § 18-1.6 (16) |
| 1976 C. 18 | 12/27/76 | Sunday Entertainment License Fee | § 18-1.19 (26) |
| 1977 C. 1 | 1/26/77 | Various Department Fees Amended | § 18-1.3 (22) |
| 1977 C. 2 | 1/26/77 | Sunday Entertainment License Fee | § 18-1.19 (26e,2) |
| 1977 C. 3 | 4/7/77 | Expanding Air Pollution Control Commission | § 7-2.1 |
| 1977 C. 4 | 5/12/77 | Residency of Constables | § 2-7.2 |
| 1977 C. 5 | 5/18/77 | Office of Assistant City Clerk | § 2-10.4 |
| 1977 C. 6 | 6/6/77 | Street Work Permit Amended | § 11-6.9, e |

APPENDIX B — DISPOSITION OF ORDINANCES IN CODE

| Ordinance Number | Date of Adoption or Approval | Short Title | CBC 1985 Sections |
|------------------|------------------------------|--|---|
| 1977 C. 7 | 7/11/77 | Various Department Fees Amended | § 18-1.13 (14) |
| 1977 C. 8 | 9/29/77 | Job Lottery | § 5-5.4 |
| 1977 C. 9 | 10/5/77 | Various Department Fees Amended | §§ 18-1.2 (2); 18-1.3 (22); 18-1.6 (39), (43); 18-1.13 (11); 18-1.18 (16) |
| 1977 C. 10 | 10/12/77 | Public Addresses, Vending in Public Grounds | § 16-19.2 |
| 1977 C. 11 | 10/12/77 | Use of Public Grounds | § 16-19.1 |
| 1977 C. 12 | 10/12/77 | Vehicles Interfering with Snow Removal | § 11-6.43 |
| 1977 C. 13 | 10/12/77 | Vehicles Interfering with Garbage Collection | § 11-6.44 |
| 1977 C. 14 | 10/19/77 | Street Work Permit Amended | § 11-6.9 |
| 1977 C. 15 | 12/14/77 | Various Department Fees Clarified | § 18-2 |
| 1977 C. 16 | 12/30/77 | Non-Criminal Disposition of Certain Ordinance Violations | §§ 16-32.4 — 16-32.6 |
| 1977 C. 17 | 12/7/77 | Building Department Fees | § 18-1.7 (4), (5) |
| 1977 C. 18 | 1/3/78 | Deadline Extension for Regulations and Forms | § 2-12.5 |
| 1978 C. 1 | 3/13/78 | Municipal Lien Certificate Fee | § 18-1.13 (19) |
| 1978 C. 2 | 2/15/78 | Holdovers | § 5-5.11 |
| 1978 C. 3 | 3/8/78 | City Document Fees | § 5-5.10 |
| 1978 C. 4 | 3/8/78 | Certain Fees Amended | § 18-1.1 (20), (22), (23) |
| 1978 C. 5 | 12/1/78 | Approval of Funds to Educate Voters | Obsolete |
| 1978 C. 6 | 6/21/78 | Designation of Haymarket-Blackstone Market | §§ 17-3.1 — 17-3.4 |
| 1978 C. 7 | 6/28/78 | Boston 350 Commission Established | Obsolete |
| 1978 C. 8 | 8/11/78 | Police at Polling Places | § 2-6 |
| 1978 C. 9 | 8/18/78 | Licensing for Certain Events | §§ 17-13.2 — 17-13.3 |

CITY OF BOSTON CODE — ORDINANCES

| Ordinance Number | Date of Adoption or Approval | Short Title | CBC 1985 Sections |
|-----------------------------|---|---|--------------------------|
| 1978 C. 10 | 8/25/78 | Restrictions on Park Frontages on Commonwealth Avenue | § 7-4.10 |
| 1979 C. 1 | 2/21/79 | City Council Officers Salary | § 2-8.3 |
| 1979 C. 2 | 1/31/79 | Minimum of Officers in Police Department | § 11-1.6 |
| 1979 C. 3 | 3/7/79 | Committee to Study Landfill Site | Obsolete |
| 1979 C. 4 | 2/21/79 | Entertainment Prohibited during Certain Hours | § 17-13.6 |
| 1979 C. 5 | 2/21/79 | Shellfish Permits | § 16-4.1 |
| 1979 C. 6 | 2/21/79 | City Clerk to Notify City Council | § 2-10.6 |
| 1979 C. 7 | 2/21/79 | Mayor's Office Employees Lim- ited | § 2-7.14 |
| 1979 C. 8 | 3/7/79 | Committee to Study Landfill Site Amended | Obsolete |
| 1979 C. 9 | 3/21/79 | Public Access to Computerized Information | § 5-5.35 |
| 1979 C. 10 | 3/21/79 | Repairs on Private Ways | § 11-6.22 |
| 1979 C. 11 | 3/28/79 | Advertising of Elected Officials' Names Prohibited | § 1-6 |
| 1979 C. 12 | 3/28/79 | Positions in Mayor's Office Lim- ited | §§ 2-7.12; 5-5.10 |
| 1979 C. 13 | 4/11/79 | Salary of Francis W. Gens | Special Ordinance |
| 1979 C. 14 | 5/9/79 | Corporation Counsel | § 5-8.1 |
| 1979 C. 15 | 5/9/79 | Excessive Salary Increases Abol- ished | Obsolete |
| 1979 C. 16 | 5/16/79 | Selection Process of Applicants for Temporary Positions | § 5-5.4 |
| 1979 C. 17 | 5/16/79 | Corporation Counsel | Obsolete |
| 1979 C. 18 | 6/14/79 | License Fee to Carry or Possess Firearms | § 18-1.6 (16) |
| 1979 C. 19 | 6/13/79 | Liability of Auditor and Collec- tor-Treasurer for Ordinance Violations | § 5-5.7 |
| 1979 C. 20 | 6/10/79 | Commissioner of Federally Funded Agencies Salary | § 5-5.10 |
| 1979 C. 21 | 6/13/79 | Department of Federally Funded Agencies | §§ 5-4.1 — 5-4.5 |
| 1979 C. 22 | 6/13/79 | Department of Neighborhood and Human Services | §§ 11-3.1 — 11-3.7 |

APPENDIX B — DISPOSITION OF ORDINANCES IN CODE

| Ordinance Number | Date of Adoption or Approval | Short Title | CBC 1985 Sections |
|-------------------------|-------------------------------------|--|--|
| 1979 C. 23 | 5/30/79 | Bonding of Supervisor of Budgets | § 5-5.6 |
| 1979 C. 24 | 6/27/79 | Supervisor of Finance Salary | § 2-8.3 |
| 1979 C. 25 | 7/25/79 | Executive Director of Youth Activities Commission Salary | § 5-5.10 |
| 1979 C. 26 | 7/25/79 | Rules Governing Youth Activities Commission Personnel | § 5-1.7 |
| 1979 C. 27 | 7/25/79 | Duties of Supervisor of Budgets | § 5-1.5 |
| 1979 C. 28 | 7/18/79 | Boston Fire Prevention Code of 1979 Adopted | § 11-5 |
| 1979 C. 29 | 8/1/79 | Regulating Rents and Evictions | §§ 10-2.1 — 10-2.20 |
| 1979 C. 30 | 8/30/79 | Certain Fees Established | Superseded by Ordinance No. 1981 c. 30 |
| 1979 C. 31 | 9/5/79 | Compressed Air, Water Required at Filling Stations | § 17-2.1 |
| 1979 C. 32 | 10/24/79 | Misrepresentation in Job Incentive Programs | § 17-6 |
| 1979 C. 33 | 10/24/79 | Motor Vehicle Management Bureau | §§ 7-8.1 — 7-8.8 |
| 1979 C. 34 | 10/24/79 | Canine Waste Removal | § 16-12.7 |
| 1979 C. 35 | 10/24/79 | Violation Fines for Canine Waste Laws | § 16-32.3 |
| 1979 C. 36 | 10/10/79 | Installation of Fire and Smoke Detectors | § 21-6 |
| 1979 C. 37 | 12/26/79 | Evictions for Condominium Conversions | §§ 10-2.1 — 10-2.21 |
| 1979 C. 38 | 12/19/79 | Bonding of Constables | § 2-7.2 |
| 1979 C. 39 | 12/19/79 | Transportation of Hazardous Materials | §§ 17-15.1 — 17-15.10 |
| 1979 C. 40 | 12/26/79 | Access to Public Building by Handicapped | §§ 21-4.1 — 21-4.10 |
| 1979 C. 41 | 11/14/79 | Prohibiting Use of the Word "Mayor" in Titles | § 1-7 |
| 1979 C. 42 | 1/23/80 | Acceptance of Office | § 5-5.1 |
| 1979 C. 43 | 3/12/80 | Fiscal Year | § 6-4.1 |
| 1979 C. 44 | 12/17/80 | Preference to City Firms in Purchases | § 4-2 |

CITY OF BOSTON CODE — ORDINANCES

| Ordinance Number | Date of Adoption or Approval | Short Title | CBC 1985 Sections |
|-----------------------------|---|--|--|
| 1980 C. 1 | 5/3/80 | Concerning Claims | § 5-5.23 |
| 1980 C. 2 | 5/21/80 | Oaths of Office Ceremonies | § 2-1.1 |
| 1980 C. 3 | 5/21/80 | Procedure Against Officials Ex- cessively Expending Funds | § 6-1.11 |
| 1980 C. 4 | 8/6/80 | Public Information Officer | § 5-5.36 |
| 1980 C. 5 | 8/27/80 | Rail Transportation of Hazard- ous Material Requirement | §§ 17-16.1 — 17- 16.3 |
| 1980 C. 6 | 8/27/80 | Creating Department of Neigh- borhood Human Services | §§ 11-3.1 — 11-3.7 |
| 1980 C. 7 | 8/27/80 | Department of Federally Funded Agencies Amended | § 5-4 |
| 1980 C. 8 | 8/27/80 | Provisions for Annual Appro- priation Orders | § 6-1.12 |
| 1980 C. 9 | 8/27/80 | Creating Office of Public Service | § 5-5.36, § 11-3.8 |
| 1980 C. 10 | 9/10/80 | Vendors to Itemize Bills Sub- mitted to City | § 5-5.25 |
| 1980 C. 11 | 9/26/80 | Certain Municipal Officials | § 5-5.10, § 5-5.13 |
| 1980 C. 12 | 9/30/80 | Mayor's Salary | § 2-7.11 |
| 1980 C. 13 | 10/16/80 | City Councillors' Salary | § 2-8.1 |
| 1980 C. 14 | 11/5/80 | Municipal Vehicles Mileage | § 1-4 |
| 1980 C. 15 | 12/30/80 | Requirements of Testimony about Appropriations | § 5-5.31 |
| 1980 C. 16 | 12/30/80 | Smoking Restrictions in Public Buildings | §§ 21-5.1 — 21-5.6 |
| 1980 C. 17 | 3/4/81 | Creating Employment and Eco- nomic Policy Administration | §§ 8-8.1 — 8-8.3 |
| 1981 C. 1 | 4/1/81 | Space Allotment in City Hall Garage | § 11-7.11 |
| 1981 C. 2 | 4/8/81 | Oaths of Office Ceremonies | § 2-1.1 |
| 1981 C. 3 | 5/14/81 | Fire Fighting Assistance to Other Cities | § 11-4.3 |
| 1981 C. 4 | 5/19/81 | Operation of Refuse Treatment and Disposal Facilities | § 16-1.21 |
| 1981 C. 5 | 5/29/81 | Playing Fields, Fees | § 18-1.16 (25) |
| 1981 C. 6 | 6/12/81 | Fee of Auditorium Commission | Repealed by Ordi- nance No. 1985 C. 12 |

APPENDIX B — DISPOSITION OF ORDINANCES IN CODE

| Ordinance Number | Date of Adoption or Approval | Short Title | CBC 1985 Sections |
|-------------------------|-------------------------------------|---|---|
| 1981 C. 7 | 6/12/81 | Replacement Fee for Lost Badges, Medallions, Plates | § 18-1.2 (1) |
| 1981 C. 8 | 7/2/81 | Regulating Evictions | §§ 10-2.1 — 10-2.10; §§ 10-2.12 — 10-2.21 |
| 1981 C. 9 | 7/2/81 | George Wright Golf Course Fee | § 18-1.7 (9), (10) |
| 1981 C. 10 | 7/2/81 | William J. Devine Golf Course Fee | § 18-1.7 (8) |
| 1981 C. 11 | 7/8/81 | Hawkers and Peddlers License Fee | § 18-1.8 (8) |
| 1981 C. 12 | 7/23/81 | Recombinant DNA Technology Regulations | §§ 17-9.1 — 17-9.8 |
| 1981 C. 13 | 7/31/81 | City Clerk and Other Fees | §§ 18-1.1 (12) — (16); 18-1.2 (16), (30), (31); 18-1.3 (11), (13) — (16), (20), (21), (25); 18-1.4 (14); 18-1.5 (3); 18-1.6 (1), (7) — (14), (34); 18-1.10 (1); 18-1.14 (3); 18-1.16 (37) — (42); 18-1.18 (2); 18-1.20 (11), (12) |
| 1981 C. 14 | 8/4/81 | Fees of City Registrar | §§ 18-1.2 (10) — (15); 18-1.3 (12); 18-1.13 (3), (5) |
| 1981 C. 15 | 8/4/81 | Weights and Measures Fees | § 18-1.23 (4), (5) |
| 1981 C. 16 | 8/4/81 | Shellfish Licenses | § 18-1.19 (7) |
| 1981 C. 17 | 8/5/81 | Security Provisions at Municipal Garages | § 11-7.1 |
| 1981 C. 18 | 9/5/81 | Fire Fighting Assistance to Other Cities | § 11-4.3 |
| 1981 C. 19 | 9/10/81 | Creating the Inspectional Services Department | §§ 9-9.1 — 9-9.7 |
| 1981 C. 20 | 10/14/81 | Prohibiting Employees' Political Contributions | Repealed by Ordinance No. 1983 C. 11 |

CITY OF BOSTON CODE — ORDINANCES

| Ordinance Number | Date of Adoption or Approval | Short Title | CBC 1985 Sections |
|-----------------------------|---|--|---|
| 1981 C. 21 | 10/14/81 | Establishing Designer Selection Board | §§ 4-1.2 — 4-1.4 |
| 1981 C. 22 | 12/11/81 | Fire Department Fees | §§ 18-1.1 (25); 18-1.2 (17), (21), (25); 18-1.3 (1); 18-1.4 (4), (11); 18-1.6 (3) (1a), (25), (33), (44), (46), (47); 18-1.7 (6); 18-1.8 (1), (10); 18-1.10 (4); 18-1.12 (4), (8); 18-1.15 (7); 18-1.16 (1), (33); 18-1.18 (1); 18-1.19 (17); 18-1.20 (6); 18-1.23 (2), (7) |
| 1981 C. 23 | 12/28/81 | Board of Examiners, Board of Appeals, Fees | § 18-1.1 (5), § 18-1.2 (22) |
| 1981 C. 24 | 12/28/81 | Collector-Treasurer Fees | § 18-1.18 (5), (9) |
| 1981 C. 25 | 12/28/81 | Assessing Fees | § 18-1.1 (1), (8), (10), (11) |
| 1981 C. 26 | 12/28/81 | Target Practice Range License Fee | § 18-1.20 (2) |
| 1981 C. 27 | 12/28/81 | Board of Election Fees | §§ 18-1.18 (14), (15); 18-1.22 (2) |
| 1981 C. 28 | 12/28/81 | Inspectional Services Department Fees | §§ 18-1.5 (2), (4), (5); 18-1.6 (2), (26); 18-1.7 (4); 18-1.8 (11); 18-1.12 (2); 18-1.16 (27); 18-1.19 (11); 18-1.21 (2) |
| 1981 C. 29 | 12/28/81 | Certificates of Use and Occupancy Fees | § 18-1.21(1) |
| 1981 C. 30 | 12/28/81 | Inspectional Services Department Fee | § 18-1.6 (27) |
| 1981 C. 31 | 12/31/81 | Cemetery Division | § 7-5.2; § 18-1.3 (5) |

APPENDIX B — DISPOSITION OF ORDINANCES IN CODE

| Ordinance Number | Date of Adoption or Approval | Short Title | CBC 1985 Sections |
|-------------------------|-------------------------------------|--|---|
| 1981 C. 32 | 12/31/81 | Fire Fighting Assistance to Other Municipalities | § 11-4.3 |
| 1981 C. 33 | 12/31/81 | Directional Sign, Loading Zone, Parking Space License Fees | § 18-1.4 (5), § 18-1.12 (5) |
| 1981 C. 34 | 2/3/82 | Board of Health and Hospitals Fees | §§ 18-1.2 (2), (3), (6); 18-1.3 (3), (4), (9); 18-1.4 (12), (13); 18-1.6 (39), (41) — (43); 18-1.7 (2); 18-1.8 (8), (9); 18-1.9 (2); 18-1.13 (2), (11), (12), (14), (16); 18-1.15 (1); 18-1.16 (30), 18-1.18 (16); 18-1.19 (19), (28); 18-1.20 (5), (8) |
| 1981 C. 35 | 2/3/82 | Licensing Board, Various Fees | §§ 18-1.2 (20); 18-1.3 (17), (22); 18-1.5 (6); 18-1.6 (40); 18-1.9 (5), (6); 18-1.12 (3), (7); 18-1.16 (23), (29) |
| 1981 C. 36 | 7/14/82 | Bridge and Tunnels Licensing | § 16-13.2 |
| 1982 C. 1 | 2/5/82 | License to Connect Private Fire Alarm | § 18-1.16 (33) |
| 1982 C. 2 | 2/8/82 | Residential Parking Permit Fees | Repealed by Ordinance No. 1982, C. 32 |
| 1982 C. 3 | 2/12/82 | Cemetery Permit Fee | § 18-1.3 (3) |
| 1982 C. 4 | 2/12/82 | Public Records Fee | § 18-1.16 (36) |
| 1982 C. 5 | 2/18/82 | Street and Parkway Occupancy Fees | §§ 16-33.1 — 16-33.7; 18-1.2 (19); 18-1.12 (9); 18-1.16 (4) — (19); 18-1.18 (6), (8); 18-1.19 (1), (8), (23) — (25) |

CITY OF BOSTON CODE — ORDINANCES

| Ordinance Number | Date of Adoption or Approval | Short Title | CBC 1985 Sections |
|-------------------------|-------------------------------------|--|---|
| 1982 C. 6 | 3/8/82 | Districts Established for Choosing City Councillors | Repealed by Ordinance No. 1985 C. 25 § 1 |
| 1982 C. 7 | 2/25/82 | Augmented Fire Service Availability | §§ 18-11.1 — 18-11.9 |
| 1982 C. 8 | 3/12/82 | City Record Charges | § 18-8 |
| 1982 C. 9 | 3/26/82 | Constable Training Course Fee | § 18-1.3 (24) |
| 1982 C. 10 | 3/29/82 | Boston Fair Housing Commission Created | §§ 10-3.1 — 10-3.6 |
| 1982 C. 11 | 4/12/82 | Regulating Security Alarm Systems | §§ 11-2.1 — 11-2.8 |
| 1982 C. 12 | 4/14/82 | Augmented Fire Services Availability | §§ 18-11.1 — 18-11.9 |
| 1982 C. 13 | 5/25/82 | Deputy Commissioner of Parks and Recreation Department | § 5-5.10, §§ 7-4.1, 7-4.2 |
| 1982 C. 14 | 5/25/82 | Office of Parking Clerk Created | §§ 6-6.1, 6-6.2, 6-6.4 — 6-6.10 |
| 1982 C. 15 | 6/7/82 | Evictions for Condominium Conversions | §§ 10-2.1 — 10-2.10; 10-2.12 — 10-2.21 |
| 1982 C. 16 | 6/7/82 | Regulating Residential Rents and Evictions | §§ 10-2.1 — 10-2.6; 10-2.8 — 10-2.10; 10-2.12 — 10-2.21 |
| 1982 C. 17 | 6/7/82 | Accommodations in Cooperatives | §§ 10-2.1 — 10-2.6; 10-2.8 — 10-2.10; 10-2.12 — 10-2.21 |
| 1982 C. 18 | 6/8/82 | Sealing of Scales and Balances Fee | § 18-1.23 (5) |
| 1982 C. 19 | 6/11/82 | Municipally Owned Buildings, Fees | § 18-1.8 (4) |
| 1982 C. 20 | 6/22/82 | Fire Fighting Assistance to Other Municipalities | § 11-4.3 |

APPENDIX B — DISPOSITION OF ORDINANCES IN CODE

| Ordinance Number | Date of Adoption or Approval | Short Title | CBC 1985 Sections |
|-------------------------|-------------------------------------|---|---|
| 1982 C. 21 | 6/23/82 | Restricting Public Liquor Consumption; Procurement of Alcohol by Minors | §§ 16-12.29 — 16-12.31 |
| 1982 C. 22 | 7/6/82 | Sealing of Scales and Balances Fees | § 18-1.23 (5) |
| 1982 C. 23 | 7/26/82 | Drinking or Possession of Alcoholic Beverages | § 16-12.28 |
| 1982 C. 24 | 8/9/82 | Salaries of Members of Board of Appeal | § 5-5.10 |
| 1982 C. 25 | 8/9/82 | Salaries of Board of Examiners | § 5-5.10 |
| 1982 C. 26 | 8/23/82 | Condominium/Cooperative Conversion | §§ 10-2.1 — 10-2.10; 10-2.12 — 10-2.21 |
| 1982 C. 27 | 8/18/82 | Common Victualler's License Fee | § 18-1.3 (22) |
| 1982 C. 28 | 8/18/82 | Parkway or Street Occupancy for Building Construction Fee | § 18-1.16 (6) |
| 1982 C. 29 | 10/5/82 | Establishing the Office of Public Information | §§ 5-8.1, 5-8.2 |
| 1982 C. 30 | 10/5/82 | Establishing the Office of Policy Management | §§ 5-7.1, 5-7.2 |
| 1982 C. 31 | 10/19/82 | Commissioner of Public Works Salary | § 5-5.10 |
| 1982 C. 32 | 10/21/82 | Repealing Fee for Residential Parking Permit, Ord. No. 1982 C. 2 | |
| 1982 C. 33 | 11/22/82 | Boston Fair Housing Commission | § 10-3.2 |
| 1982 C. 34 | 12/17/82 | Legal Expenses Reimbursed to Employees | § 5-5.19 |
| 1982 C. 35 | 12/8/82 | Community Antenna Television System License Fee | § 18-1.3 (23) |
| 1982 C. 36 | 1/4/83 | Fire Fighting Assistance to Other Municipalities | § 11-4.3 |
| 1982 C. 37 | 12/31/82 | Rent and Eviction Controls | §§ 10-2.1 — 10-2.6; 10-2.8 — 10-2.10; 10-2.12 — 10-2.21 |

CITY OF BOSTON CODE — ORDINANCES

| Ordinance Number | Date of Adoption or Approval | Short Title | CBC 1985 Sections |
|-------------------------|-------------------------------------|--|--|
| 1982 C. 38 | 1/26/83 | Rodent and Insect Prevention at Construction Sites | §§ 16-31, 17-10.1 |
| 1982 C. 39 | 1/26/83 | Declaring a State of Emergency | §§ 10-6.1 — 10-6.7 |
| 1982 C. 40 | 2/16/83 | Use of Public Grounds | § 16-19.2, § 18-1.16 (36) |
| 1983 C. 1 | 1/10/83 | Rental Housing Equity Ordinance | §§ 10-2.1 — 10-2.10; 10-2.12 — 10-2.21 |
| 1983 C. 2 | 1/10/83 | Use and Occupation of Public and Private Ways | § 11-6.19 — 11-6.25 |
| 1983 C. 3 | 1/19/83 | City Council Positions and Salaries | § 2-8.3 |
| 1983 C. 4 | 2/14/83 | Emergency Shelter Commission | § 10-4.1 — 10-4.3 |
| 1983 C. 5 | 2/9/83 | Signature Requirement for Candidates for District Elective Positions | § 2-9.1 |
| 1983 C. 6 | 2/24/83 | Augmented Fire Services Availability | §§ 18-11.1 — 18-11.9 |
| 1983 C. 7 | 3/25/83 | Position of Legislative Director | § 2-8.3 |
| 1983 C. 8 | 4/7/83 | Duties of Inspectional Services Department | §§ 9-9.8, 9-9.9 |
| 1983 C. 9 | 4/7/83 | Rental Housing Equity Ordinance | §§ 10-2.1 — 10-2.10; 10-2.12 — 10-2.21 |
| 1983 C. 10 | 4/7/83 | Tax Delinquent Properties | § 6-3.1 |
| 1983 C. 11 | 4/23/83 | Special Commission on Campaign and Political Finance | Obsolete |
| 1983 C. 12 | 5/11/83 | The Institutional Expansion Board Created | §§ 10-5.1 — 10-5.6 |
| 1983 C. 13 | 5/13/83 | Arson Prevention Commission Created | §§ 9-10.1 — 9-10.5 |
| 1983 C. 14 | 5/23/83 | Fire Fighting Assistance to Other Cities | § 11-4.3 |
| 1983 C. 15 | 6/20/83 | Commissioner of Parks and Recreation | § 5-5.10 |

APPENDIX B — DISPOSITION OF ORDINANCES IN CODE

| Ordinance Number | Date of Adoption or Approval | Short Title | CBC 1985 Sections |
|-------------------------|-------------------------------------|---|--|
| 1983 C. 16 | 6/20/83 | Deputy Commissioner of Parks and Recreation | § 5-5.10 |
| 1983 C. 17 | 6/29/83 | Rental Housing Equity Ordinance | §§ 10-2.1 — 10-2.10; 10-2.12 — 10-2.21 |
| 1983 C. 18 | 6/30/83 | Bay Village Historic District Commission | §§ 7-3.1 — 7-3.11 |
| 1983 C. 19 | 7/8/83 | Legislative Director's Salary | § 2-8.3 |
| 1983 C. 20 | 7/18/83 | Special Parking Areas, HP/V Plates | §§ 6-7.1 — 6-7.3 |
| 1983 C. 21 | 6/29/83 | Fire Services Availability | § 18-11.9 |
| 1983 C. 22 | 7/20/83 | Environmental Protection Ordinances | § 16-32.7 |
| 1983 C. 23 | 8/3/83 | Rental Housing Equity Ordinance | §§ 10-2.1 — 10-2.10; 10-2.12 — 10-2.21 |
| 1983 C. 24 | 8/5/83 | Environmental Protection Ordinances | § 16-32.7 |
| 1983 C. 25 | 8/11/83 | Districts Established for Choosing City Councillors | § 2-9.2 |
| 1983 C. 26 | 8/15/83 | Permit for Use of Parks for Demonstrations | § 16-9.3 |
| 1983 C. 27 | 9/15/83 | Salary of Commissioner of Traffic and Parking | § 5-5.10 |
| 1983 C. 28 | 9/27/83 | Legislative Director's Salary | § 2-8.3 |
| 1983 C. 29 | 9/30/83 | City Council Positions and Salaries | § 2-8.3 |
| 1983 C. 30 | 10/14/83 | Boston Residents Job Policy | §§ 8-9.1 — 8-9.7 |
| 1983 C. 31 | 10/14/83 | Salary of Council Liaison | § 2-8.3 |
| 1983 C. 32 | 10/14/83 | Salary of City Messenger | § 2-8.3 |
| 1983 C. 33 | 12/30/83 | Rental Housing Equity Ordinance | §§ 10-2.1 — 10-2.10; 10-2.12 — 10-2.21 |
| 1983 C. 34 | 12/30/83 | Refuse Treatment and Disposal Facilities | § 16-1.21 |

CITY OF BOSTON CODE — ORDINANCES

| Ordinance Number | Date of Adoption or Approval | Short Title | CBC 1985 Sections |
|-----------------------------|---|---|---|
| 1983 C. 35 | 6/29/83 | Boston Arts Lottery Council | §§ 5-9.1, 5-9.10 |
| 1983 C. 36 | 2/1/84 | Safety Measures for Gas Leaks | §§ 17-12.1 — 17-12.4 |
| 1984 C. 1 | 2/2/84 | Reserves for State — Boston Retirement System | §§ 5-6.1 — 5-6.7; 10-2.1 — 10-2.10; 10-2.12 — 10-2.21 |
| 1984 C. 2 | 3/14/84 | Parking Fines Amnesty Program | Obsolete |
| 1984 C. 3 | 3/14/84 | Institutional Expansion Board | § 10-5.1 |
| 1984 C. 4 | 3/14/84 | Automobile Safety Devices, Unreasonable Noise | § 16-26.2 |
| 1984 C. 5 | 3/14/84 | Automobile Safety Devices, Unreasonable Noise Penalty | § 16-26.3 |
| 1984 C. 6 | 4/4/84 | Arson Prevention Commission | §§ 9-10.1, 9-10.2, 9-10.4 |
| 1984 C. 7 | 3/14/84 | Rental Housing Equity Ordinance | §§ 10-2.1 — 10-2.10; 10-2.12 — 10-2.21 |
| 1984 C. 8 | 5/1/84 | Handicapped Parking Identification Card | § 6-7.3 |
| 1984 C. 9 | 3/14/84 | Arson Prevention Commission | § 9-10.1 |
| 1984 C. 10 | 5/24/84 | Certain Times for Construction | § 16-26.4 |
| 1984 C. 11 | 6/13/84 | Resident Employees Laid Off Last | § 5-5.5 |
| 1984 C. 12 | 7/3/84 | Office of Consumer Affairs and Licensing | § 15-5 |
| 1984 C. 13 | 7/3/84 | Office of Informational Services | § 15-6 |
| 1984 C. 14 | 7/3/84 | Office of Constituent Services | § 15-4 |
| 1984 C. 15 | 7/3/84 | Office of Business and Cultural Development | § 15-3 |
| 1984 C. 16 | 6/27/84 | Boston Human Rights Commission | §§ 12-9.1 — 12-9.15 |
| 1984 C. 17 | 7/11/84 | Boston Human Rights Commission | §§ 12-9.1, 12-9.2, 12-9.9, 12-9.11, 12-9.12 |

APPENDIX B — DISPOSITION OF ORDINANCES IN CODE

| Ordinance Number | Date of Adoption or Approval | Short Title | CBC 1985 Sections |
|------------------|------------------------------|--|--|
| 1984 C. 18 | 7/11/84 | Boston Human Rights Commission | § 12-9.11 |
| 1984 C. 19 | 7/26/84 | Divesting Monies from South Africa or Namibia | § 6-3.7 |
| 1984 C. 20 | 8/8/84 | Reorganizing City Council Staff | § 2-8.3 |
| 1984 C. 21 | 8/8/84 | Additions to City Council Staff | §§ 2-8.3, 2-8.4 |
| 1984 C. 22 | 9/4/84 | Distribution of Tobacco Products Forbidden in Public | § 16-2.3 |
| 1984 C. 23 | 10/19/84 | City Auditor's Salary | § 5-5.10 |
| 1984 C. 24 | 10/19/84 | Collector-Treasurer's Salary | § 5-5.10 |
| 1984 C. 25 | 10/19/84 | Home Weatherization Program | §§ 15-2.1, 15-2.2 |
| 1984 C. 26 | 10/19/84 | Housing Inspection Department | § 9-1.3 |
| 1984 C. 27 | 10/19/84 | Home Repair Program for Seniors | § 12-3.4 |
| 1984 C. 28 | 10/19/84 | Neighborhood Impact Commission | §§ 10-7.1 — 10-7.3 |
| 1984 C. 29 | 10/26/84 | Rental Housing Equity Ordinance | §§ 10-2.1 — 10-2.10; 10-2.12 — 10-2.21 |
| 1984 C. 30 | 10/26/84 | Rental Housing Equity Ordinance | §§ 10-2.1 — 10-2.10; 10-2.12 — 10-2.21 |
| 1984 C. 31 | 10/26/84 | Rental Housing Equity Ordinance | §§ 10-2.1 — 10-2.10; 10-2.12 — 10-2.21 |
| 1984 C. 32 | 10/26/84 | Rental Housing Equity Ordinance | §§ 10-2.1 — 10-2.10; 10-2.12 — 10-2.21 |
| 1984 C. 33 | 10/26/84 | Rental Housing Equity Ordinance | §§ 10-2.1 — 10-2.10; 10-2.12 — 10-2.21 |
| 1984 C. 34 | 10/26/84 | Rental Housing Equity Ordinance | §§ 10-2.1 — 10-2.10; 10-2.12 — 10-2.21 |

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| Ordinance Number | Date of Adoption or Approval | Short Title | CBC 1985 Sections |
|-----------------------------|---|--|--|
| 1984 C. 35 | 10/29/84 | Commission on Women | §§ 15-1.1 — 15-1.4 |
| 1984 C. 36 | 11/28/84 | Paternity/Maternity Leave Policy | § 5-5.20 |
| 1984 C. 37 | 11/30/84 | Publication of Ordinances | § 2-12.3 |
| 1984 C. 38 | 11/30/84 | Restrictions on Park Frontages in Brighton District | § 7-4.10 |
| 1984 C. 39 | 12/14/84 | Housing Inspection Department | § 9-1.3 |
| 1984 C. 40 | 12/21/84 | Boston Human Rights Commis- sion | §§ 12-9.1, 12-9.2 |
| 1985 C. 1 | 1/30/85 | Construction Restrictions on Commonwealth Avenue | §§ 7-4.10, 7-4.11 |
| 1985 C. 2 | 2/27/85 | Notification of Changes in Poll- ing Places | § 2-3.3 |
| 1985 C. 3 | 4/10/85 | Noise Levels at Residential Lot Lines | § 16-26.5 |
| 1985 C. 4 | 4/19/85 | Fees, Fines, License Structure of City | §§ 18-1.1 (3), (7), (18) — (21), (25); 18-1.2 (10), (12) — (15), (22), (25), (28), (30); 18-1.3 (18), (20), (24); 18-1.4 (4), (5), (11); 18-1.5 (7), (8); 18- 1.6 (6), (16), (17), (20), (24), (33), (35), (36), (38), (44), (45), (46), (47); 18-1.7 (6), (11); 18-1.8 (1) — (3), (8), (10), (13); 18-1.10 (2) — (4); 18-1.12 (4), (5), (8); 18-1.13 (7), (8), (10); 18-1.14 (2); 18-1.15 (6); 18-1.16 (2), (4), (20), (24), (44); 18-1.18 (1), (16), (20), (21); |

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|------------------|------------------------------|---|--|
| | | | 18-1.19 (4), (9), (10), (12), (14), (22); 18-1.20 (1), (6); 18-1.23 (2), (7) |
| 1985 C. 5 | 5/3/85 | Rental Housing Equity Ordinance | § 10-2.19b, 4 |
| 1985 C. 6 | Disapproved 5/1/85 | Abolishing the Inspectional Services Department | Not Codified |
| 1985 C. 7 | 5/1/85 | Prohibiting the Overflow of Dumpsters | § 16-12.13 |
| 1985 C. 8 | 5/22/85 | City Council Staff Director's Salary | § 2-8.3 |
| 1985 C. 9 | 5/24/85 | Overfill of Dumpsters on Commercial Property | § 16-12.18 |
| 1985 C. 10 | 12/4/85 | Disposal and Treatment of Refuse | § 17-11.8 |
| 1985 C. 11 | 12/19/85 | Rental Housing Equity Ordinance | §§ 10-2.1, 10-2.10, 10-2.11, 10-2.20 |
| 1985 C. 12 | 12/20/85 | Deletes Use of Auditorium Fee | § 18-1.1 (24) |
| 1985 C. 13 | 12/20/85 | Motorized Bicycle Operators to Use Headgear | § 16-15.6 |
| 1985 C. 14 | 1/5/86 | Assistance Information Center | § 10-4.2 |

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